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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227
(LJV)

March 19, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF KATRINA NIGRO
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

TRINI E. ROSS, UNITED STATES ATTORNEY
BY: JOSEPH M. TRIPI, ESQ.
NICHOLAS T. COOPER, ESQ.
CASEY L. CHALBECK, ESQ.

Assistant United States Attorneys
Federal Centre
138 Delaware Avenue
Buffalo, New York 14202

And

UNITED STATES DEPARTMENT OF JUSTICE
BY: JORDAN ALAN DICKSON, ESQ.
1301 New York Ave NW
Suite 1000
Washington, DC 20530-0016
For the Plaintiff

SINGER LEGAL PLLC
BY: ROBERT CHARLES SINGER, ESQ.
80 East Spring Street
Williamsville, New York 14221

And

LAW OFFICES OF PARKER ROY MacKAY
BY: PARKER ROY MacKAY, ESQ.
3110 Delaware Avenue
Kenmore, New York 14217
For the Defendant

PRESENT:

BRIAN A. BURNS, F.B.I. Special Agent
MARILYN K. HALLIDAY, H.S.I. Special Agent
KAREN A. CHAMPOUX, U.S.A. Paralegal

LAW CLERK: REBECCA FABIAN IZZO, ESQ.

COURT DEPUTY CLERK: COLLEEN M. DEMMA

COURT REPORTER: ANN MEISSNER SAWYER, FCRR, RPR, CRR
Robert H. Jackson Federal Courthouse
2 Niagara Square
Buffalo, New York 14202
Ann_Sawyer@nywd.uscourts.gov

* * * * *

(Excerpt commenced at 9:42 a.m.)

(Jury is present.)

THE COURT: And the government may call its next
witness.

MR. TRIPI: Thank you, Your Honor. We call Katrina
Nigro, who's present in the courtroom.

K A T R I N A N I G R O, having been duly called and sworn,
testified as follows:

MR. TRIPI: May I inquire, Your Honor?

THE COURT: You may.

MR. TRIPI: Thank you, Your Honor.

DIRECT EXAMINATION BY MR. TRIPI:

Q. Good morning, Ms. Nigro, how are you?

A. Good.

Q. Ms. Nigro, how old are you?

09:43AM

1 A. 41.

09:43AM

2 Q. And where did you grow up?

09:43AM

3 A. Holland, New York.

09:43AM

4 Q. Is that a suburb of Buffalo? Where is that?

09:44AM

5 A. It's on the outskirts, Southtowns. Borders on Genesee

09:44AM

6 County and Erie County.

09:44AM

7 Q. Okay. How far have you gone in school, Miss?

09:44AM

8 A. I graduated high school, and then I continued on to

09:44AM

9 college classes in multiple schools. And I finished with

09:44AM

10 a -- a certificate from Cornell in women and leadership and

09:44AM

11 women in products.

09:44AM

12 Q. Where did you go to high school?

09:44AM

13 A. I went to Holland, then I got some tutoring from Nardin.

09:44AM

14 Q. Did you graduate high school?

09:44AM

15 A. Yes.

09:44AM

16 Q. What colleges have you attended?

09:44AM

17 A. University of Buffalo. Flagler College, it's in Saint

09:44AM

18 Augustine. And Genesee Community College for merchandising.

09:44AM

19 Q. That's in Florida.

09:44AM

20 And what different types of jobs have you worked during

09:44AM

21 your adult life?

09:44AM

22 A. Retail kind of service, restaurants. I worked on a farm

09:44AM

23 when I was younger. And I owned my own stores, I used to

09:45AM

24 sell clothing, eBay power seller, and then I opened stores

09:45AM

25 that were inside strip clubs. Like, I used to bring a

09:45AM 1 suitcase in and sell the dancers clothes.

09:45AM 2 Q. Okay. How old were you when you worked on a farm?

09:45AM 3 A. I was 14.

09:45AM 4 Q. What did you do on a farm?

09:45AM 5 A. Milk cows. I used to hose down the ground and pull worms
09:45AM 6 out.

09:45AM 7 Q. Are you currently employed?

09:45AM 8 A. Yes.

09:45AM 9 Q. You don't have to say where, but what do you do for a
09:45AM 10 living? What type of job do you work?

09:45AM 11 A. I work as a server in a diner.

09:45AM 12 Q. At a diner?

09:45AM 13 A. Yeah.

09:45AM 14 Q. Okay. I think you referenced it in your answer, I heard
09:45AM 15 you talk about selling merchandise in strip clubs. But for a
09:45AM 16 time in your life, were you involved in the strip club
09:45AM 17 industry?

09:45AM 18 A. I feel I always was. While I was selling clothes, I was
09:45AM 19 in the strip club industry.

09:45AM 20 Q. Did you have, like, a little store that you would sell --

09:46AM 21 A. Yes, I had stores inside the club, like little closets
09:46AM 22 and things.

09:46AM 23 Q. What type of items would you sell? What type of
09:46AM 24 merchandise did you sell in the context of strip clubs?

09:46AM 25 A. Vibrators, lube, costumes, underwear, Halloween costumes,

09:46AM

1 stockings, jewelry.

09:46AM

2 Q. Fair to say they were adult products?

09:46AM

3 A. They were all adult products.

09:46AM

4 Q. Did you also sell condoms and things like that?

09:46AM

5 A. I sold condoms, but the State Liquor Authority told me I

09:46AM

6 couldn't have them in my store. And the same with pipes for

09:46AM

7 marijuana.

09:46AM

8 Q. So you did sell condoms though?

09:46AM

9 A. Yes.

09:46AM

10 Q. Okay. What age were you when you started working in the

09:46AM

11 strip club industry?

09:46AM

12 A. 21.

09:46AM

13 Q. And are you out of that industry now?

09:47AM

14 A. 100 percent, it's been years.

09:47AM

15 Q. How old were you, would you estimate, when you stopped

09:47AM

16 working in some capacity in that industry? So you're 41 now,

09:47AM

17 how old do you think you were when you got out of the

09:47AM

18 industry?

09:47AM

19 A. 100 percent by 2018. I closed my stores, whatever was

09:47AM

20 left, and sold it off.

09:47AM

21 Q. Okay. So that's about roughly six years ago?

09:47AM

22 A. Um-hum. I'm sorry, yes. Yes, roughly six years ago.

09:47AM

23 Q. As you got into the strip club industry, age 21 and

09:47AM

24 moving on, did -- did -- were there times in your life where

09:47AM

25 you drank a lot?

09:47AM 1 A. Yes.

09:47AM 2 Q. Did you try drugs at certain times?

09:48AM 3 A. I tried cocaine, like, twice. It wasn't for me. And

09:48AM 4 then I smoked marijuana.

09:48AM 5 Q. Okay.

09:48AM 6 A. But I smoked marijuana before being in the club.

09:48AM 7 Q. Okay. And would it be fair to say that the largest

09:48AM 8 struggle you've had as an adult would be with alcohol?

09:48AM 9 A. Yes.

09:48AM 10 Q. How are you doing with that today?

09:48AM 11 A. I'm doing great. I have a solid -- I'm doing great with

09:48AM 12 my probation officer, I have no problems. It's been over two

09:48AM 13 years, and I graduated out of rehab, and I haven't had any

09:48AM 14 issues. I go to counseling at PATH, too, so they keep me

09:48AM 15 onboard. People Against Trafficking Humans.

09:48AM 16 Q. And do you -- do you still smoke marijuana?

09:48AM 17 A. Yes.

09:48AM 18 Q. When's the last time you smoked marijuana?

09:49AM 19 A. Three days ago.

09:49AM 20 Q. Eventually, did you become familiar with a local strip

09:49AM 21 club called Pharaoh's Gentlemen's Club?

09:49AM 22 A. Yes.

09:49AM 23 Q. When you -- what year was it approximately when you first

09:49AM 24 started becoming familiar with that club?

09:49AM 25 A. 2010.

09:49AM 1 Q. Did you meet somebody who was in an ownership position at
09:49AM 2 Pharaoh's?

09:49AM 3 A. Yes.

09:49AM 4 Q. Who did you meet?

09:49AM 5 A. I met Donnie Parrino, and also Peter Gerace.

09:49AM 6 Q. At that time, were they sort of both co-owners of
09:50AM 7 Pharaoh's?

09:50AM 8 A. Yes.

09:50AM 9 Q. As the years went on, just to fast forward for a moment,
09:50AM 10 did there become a power struggle between the two of them
09:50AM 11 where then Peter Gerace became the sole owner?

09:50AM 12 A. Donnie became the sole owner. There was a power struggle
09:50AM 13 that Peter went to court to try to fight him back for the
09:50AM 14 ownership.

09:50AM 15 Q. Ultimately, Peter won the Court's case?

09:50AM 16 A. Well, Peter's parents did, but yes, Peter.

09:50AM 17 Q. Okay. Just to summarize it, Peter ultimately got control
09:50AM 18 of the club?

09:50AM 19 A. Yes.

09:50AM 20 Q. Okay. Did -- in or about 2010, when you first started
09:50AM 21 becoming acquainted with Pharaoh's -- or, withdrawn -- with
09:50AM 22 Mr. Gerace, did you engage in an intimate relationship with
09:50AM 23 him at times?

09:50AM 24 A. Yes.

09:50AM 25 Q. Going back to that time period, how often would you

09:50AM 1 estimate you were in and around Pharaoh's?

09:51AM 2 A. I was around Pharaoh's quite a bit working in my store,

09:51AM 3 so I was around it, but it wasn't always sexual activities or

09:51AM 4 anything involved.

09:51AM 5 Q. So did you open a store in Pharaoh's?

09:51AM 6 A. Yes.

09:51AM 7 Q. Did they give you space to sell adult products?

09:51AM 8 A. Yeah, I did all the social media work for them.

09:51AM 9 Q. One second, okay?

09:51AM 10 A. Okay.

09:51AM 11 Q. So describe the space within Pharaoh's where you got

09:51AM 12 space to sell your adult products.

09:51AM 13 A. It started as, like, a box that was in the corner you

09:51AM 14 could see from the front area where you entered. It had a

09:51AM 15 whole pyramid thing. It was small.

09:51AM 16 Q. And then eventually did you --

09:51AM 17 A. Then I --

09:51AM 18 Q. -- let me just finish my question -- did that move into a

09:51AM 19 room within the club where you were able to --

09:51AM 20 A. Yes.

09:51AM 21 Q. -- sell your --

09:51AM 22 A. Yes.

09:51AM 23 Q. -- products?

09:51AM 24 A. Yes.

09:51AM 25 Q. Was that room, like, on the front -- the first floor?

09:51AM 1 A. Yes.

09:51AM 2 Q. And in that store, among other things, did you sell
09:52AM 3 condoms?

09:52AM 4 A. No.

09:52AM 5 Q. Did you sell those other adult products that you
09:52AM 6 talked --

09:52AM 7 A. Yes --

09:52AM 8 Q. -- about earlier?

09:52AM 9 By approximately 2013 -- withdrawn. In that 2010
09:52AM 10 time frame that you had your store in Pharaoh's and you
09:52AM 11 started having some type of a relationship with Peter, would
09:52AM 12 it be fair to characterize your intimate relationship with
09:52AM 13 him as on and off for a period of time?

09:52AM 14 A. Yes.

09:52AM 15 Q. By 2013 or so, were you and him exclusive?

09:52AM 16 A. I was under the assumption we were exclusive, but there
09:52AM 17 were other parties going on.

09:52AM 18 Q. Okay. In your mind, though, you were boyfriend and
09:53AM 19 girlfriend by 2013?

09:53AM 20 A. Yes.

09:53AM 21 Q. At some point, did you start living with Peter Gerace?

09:53AM 22 A. He actually moved in with me.

09:53AM 23 Q. What year was that?

09:53AM 24 A. 2014, 2013, we stayed there for six months.

09:53AM 25 Q. Where did he live with you?

09:53AM 1 A. Overlook Drive in Williamsville.

09:53AM 2 Q. Did you have some type of apartment there?

09:53AM 3 A. No, I had a house.

09:53AM 4 Q. You had a house? By that point in time, were you working

09:53AM 5 at Pharaoh's almost every day?

09:53AM 6 A. No, I wasn't allowed in the building, because Peter was

09:53AM 7 not allowed in the building at the time.

09:53AM 8 Q. That was during the dispute with Parrino?

09:53AM 9 A. Yes.

09:53AM 10 Q. By 2014, that dispute was over, Peter was back in charge?

09:53AM 11 A. Yes.

09:53AM 12 Q. So that dispute flared up in 2013; is that fair to say?

09:54AM 13 A. Yes.

09:54AM 14 Q. By 2014, Peter's family has full control, and he's

09:54AM 15 running the club --

09:54AM 16 A. Yes.

09:54AM 17 Q. -- is that fair?

09:54AM 18 A. Yeah, they were paying him checks every month.

09:54AM 19 Q. Just -- by 2014, he's got full control.

09:54AM 20 A. Okay.

09:54AM 21 Q. Is that right?

09:54AM 22 A. Yes.

09:54AM 23 Q. Were there times at that juncture, how frequently were

09:54AM 24 you there?

09:54AM 25 A. Maybe three times a week.

09:54AM 1 Q. Now, was there an upstairs part of Pharaoh's that you
09:54AM 2 were familiar with?

09:54AM 3 A. Yes.

09:54AM 4 Q. Describe for the jury how that was set up at that time.

09:54AM 5 A. You walk up the stairs. There would be a lock on the
09:54AM 6 bottom. And you go up. And then the room changed through
09:54AM 7 the years, there used to be a whole -- the stuff that was in
09:54AM 8 the rooms changed over the years. So the first room you
09:54AM 9 walked in had a big billiard/poker table, and it was really
09:55AM 10 nice, and it was there. And they used to have cameras, but
09:55AM 11 those got removed.

09:55AM 12 And it changed to different things. So, like, at one
09:55AM 13 point I had my college books up all on the shelves, so they
09:55AM 14 were there because I, like, sometimes referenced them.

09:55AM 15 Then you'd go down a hallway. And then there's a bunch
09:55AM 16 of closets that they would open, like, two big, like, pullout
09:55AM 17 closets. There's a room to the left that had -- that was the
09:55AM 18 one partners thing, and it had a couch and it had, like,
09:55AM 19 lights and a fancy table, stuff like that. Obviously, a
09:55AM 20 garbage can. And it had an ashtray and a plate.

09:55AM 21 And then you would go down the other side, one's like an
09:55AM 22 equipment thing. There's another door, and it was a full
09:55AM 23 bathroom. Then it had, like, toothpaste and all that stuff.
09:55AM 24 And multiple toothpaste and toothbrushes that were prepasted
09:55AM 25 for other girls to use, and all different body washes and

09:56AM 1 brand new razors.

09:56AM 2 And then you went into the other room in the back, and
09:56AM 3 what it had was -- one point it had a hot tub, and then it
09:56AM 4 had, like, a bed and a couch.

09:56AM 5 And then towards the end when there's always
09:56AM 6 complications and fighting about him constantly up there, it
09:56AM 7 turned into the paperwork. So it was files and files of
09:56AM 8 papers that were up there.

09:56AM 9 Q. So over time, the decor in there changed, but at various
09:56AM 10 times was it set up as an apartment almost?

09:56AM 11 A. Yes.

09:56AM 12 Q. And I think you indicated at one point there was, like, a
09:56AM 13 poker table up there?

09:56AM 14 A. Yep.

09:56AM 15 Q. And at another point there was a hot tub up there?

09:56AM 16 A. Yes.

09:56AM 17 Q. Was there always, like, a couch and a --

09:56AM 18 A. Always couches, several. Always chairs. And, like, the
09:56AM 19 lounge chairs that you, like, lay on more that you see in a
09:56AM 20 strip club.

09:56AM 21 Q. Over time, did you become familiar with Peter Gerace's
09:56AM 22 friends?

09:56AM 23 A. Yes.

09:56AM 24 Q. On or about September 18th, 2014, did a friend of his
09:57AM 25 perform a purported wedding ceremony between you and

09:57AM 1 Mr. Gerace after a long night of drinking at Pharaoh's?

09:57AM 2 A. Yes.

09:57AM 3 Q. Who was that friend that performed the purported wedding
09:57AM 4 ceremony?

09:57AM 5 A. State Supreme Court Justice John Michalski.

09:57AM 6 Q. And was there any significance assigned by Mr. Gerace to
09:57AM 7 getting married that day, September 18th, 2014?

09:57AM 8 **MR. MacKAY:** Objection to the relevance.

09:57AM 9 **MR. TRIPI:** It's highly relevant, Your Honor. We've
09:57AM 10 argued about this in the pretrial context. If you need a
09:57AM 11 reminder, we can come up.

09:57AM 12 **THE COURT:** Yeah, I'll overrule the objection.

09:57AM 13 **BY MR. TRIPI:**

09:57AM 14 Q. Was there significance on getting married that date?

09:57AM 15 A. Yes.

09:57AM 16 Q. What was the significance of September 18th?

09:57AM 17 A. It was his lucky number. It was his grandpa's lucky
09:57AM 18 number. His grandfather lived at number 18 on a property in
09:58AM 19 Sicily. And it's his grandfather's birthday.

09:58AM 20 Q. Who was his grandfather?

09:58AM 21 A. Joseph Todaro.

09:58AM 22 Q. Senior?

09:58AM 23 A. Yes. And then his birthday was September 18th.

09:58AM 24 Q. Mr. Todaro's birthday was September 18th?

09:58AM 25 A. Yes. Papa Joe, he called him.

09:58AM 1 Q. So would it be fair to say between 2010 and 2014, you
09:58AM 2 were at Pharaoh's a few times a week, but from 2014 to the
09:58AM 3 end of your relationship with Mr. Gerace, you were there
09:58AM 4 pretty much every day?

09:58AM 5 A. Yes, I was the office manager. But I was allowed in the
09:58AM 6 building after 12.

09:59AM 7 Q. Okay. Were you there every day?

09:59AM 8 A. Yes.

09:59AM 9 Q. That was -- stick to the question, okay?

09:59AM 10 Now, Ms. Nigro, just in terms of the way you're answering
09:59AM 11 some questions, have you had some -- I don't want to get into
09:59AM 12 too much detail, but have you had some injuries over the
09:59AM 13 years that have affected you physically?

09:59AM 14 A. Yes.

09:59AM 15 Q. Does that affect some of your speech sometimes, too?

09:59AM 16 A. Yes.

09:59AM 17 Q. All right. Were there times that you were at Pharaoh's
09:59AM 18 during the day and at night?

09:59AM 19 A. Yes.

09:59AM 20 Q. Now, you indicated you were an office -- some type of
09:59AM 21 office manager. Did that occur after you had that wedding
09:59AM 22 ceremony? You were involved --

09:59AM 23 A. No, I started doing it prior.

09:59AM 24 Q. What did you do?

09:59AM 25 A. I was office manager.

1 Q. What did that entail. Tell the jury.

2 A. I did hiring. I did paperwork. I did the -- they had
3 sheets for -- on the dancers where you counted all the dances
4 they did, and then you made them say how much they had in
5 tips. And I collected those every day, and I put it in
6 folders so they could set up their 1099s and the information
7 and sent it to them.

8 Q. What is a 1099?

9 A. It's a -- it's -- these girls don't get paid per the hour
10 or anything. So a lot of them were getting, like, free
11 welfare. So they got a 1099 so that they could haul, and
12 we'd start showing that they were making income.

13 They changed the laws for the state --

14 **MR. MacKAY:** Judge, I'm going to object as
15 nonresponsive at this point in time.

16 **MR. TRIPI:** Judge, the question was: You're an
17 office manager, what did you do?

18 **THE COURT:** No, actually the question was what's a
19 1099?

20 **MR. TRIPI:** Well, actually yeah, that was the next
21 question.

22 **THE COURT:** That's the question.

23 **MR. TRIPI:** Yeah.

24 **THE COURT:** Is a 1099 a tax form?

25 **THE WITNESS:** Yes.

10:01AM 1 THE COURT: Next question.

10:01AM 2 MR. TRIPI: Thank you, Judge.

10:01AM 3 BY MR. TRIPI:

10:01AM 4 Q. Where would you do your work, so where within the
10:01AM 5 building would you do your work as an office manager?

10:01AM 6 A. In the office.

10:01AM 7 Q. Where was the office?

10:01AM 8 A. It was right when you come in.

10:01AM 9 Q. So it's downstairs?

10:01AM 10 A. Yeah, the upstairs really wasn't used, it was mostly
10:01AM 11 everything downstairs.

10:01AM 12 Q. So there's a downstairs office?

10:01AM 13 A. Um-hum.

10:01AM 14 Q. And would there be cash in that downstairs office?

10:01AM 15 A. A lot of cash.

10:01AM 16 Q. And in terms of the business, the business of Pharaoh's,
10:01AM 17 Pharaoh's sold alcohol; is that right?

10:01AM 18 A. Yes.

10:01AM 19 Q. Pharaoh's sold food?

10:02AM 20 A. Yes.

10:02AM 21 Q. Pharaoh's charged people to walk in the door?

10:02AM 22 A. Yes.

10:02AM 23 Q. Those are all places where cash can be -- can be used; is
10:02AM 24 that correct? A patron could --

10:02AM 25 A. As a patron, yes.

10:02AM 1 Q. -- pay by cash, right?

10:02AM 2 Pharaoh's sold dances with dancers; is that right?

10:02AM 3 A. Yes.

10:02AM 4 Q. And those different things generated cash; is that

10:02AM 5 accurate?

10:02AM 6 A. Along with renting lockers.

10:02AM 7 Q. Okay. Explain, what did you mean by that.

10:02AM 8 A. Well, when I was there at the time, the prices may have

10:02AM 9 changed, we rented the small lockers for \$5 a day for girls

10:02AM 10 who came out of town. If you get a regular locker size you

10:02AM 11 see in school, then that was gonna be \$50 a month. And then

10:02AM 12 they had bigger ones, and that was \$100 a month.

10:02AM 13 Q. Now, you indicated dancers from out of town. Did

10:03AM 14 Pharaoh's bring, at times, dancers in from other states?

10:03AM 15 A. Yes.

10:03AM 16 Q. What other states did dancers come from?

10:03AM 17 A. Erie, Pennsylvania. Ohio. Sometimes you get traveling

10:03AM 18 dancers who came from somewhere else.

10:03AM 19 Q. In the downstairs, was there sort of a private room

10:03AM 20 called the VIP room?

10:03AM 21 A. Yes.

10:03AM 22 Q. And the champagne room? Is that a yes?

10:03AM 23 A. Yes.

10:03AM 24 Q. And what -- what happened down there?

10:03AM 25 A. Nothing legally's supposed to be happening. So the

1 regular rooms are \$25. You pay for your house dance to even
2 start working there. So your first dance goes to the club.
3 And then they start doing the dances, and you get \$15 out of
4 it, the club gets \$10.

5 **MR. MacKAY:** Judge, I'm going to object again as
6 responsive. I think the question was what happens in the
7 rooms, not --

8 **THE WITNESS:** That's --

9 **THE COURT:** Yeah, so try just to answer the question
10 that he's asking.

11 The question is: What happens in the room?

12 **THE WITNESS:** All different stuff. I mean, there are
13 lap dances. Some girls cross the line and they're letting
14 more happen. I guess simulated grinding.

15 **BY MR. TRIPI:**

16 Q. Does the club take a cut of the money generated from the
17 dancers who go in VIP?

18 A. Yes.

19 Q. Okay. And I think you were starting to explain that the
20 very first dance goes entirely to the club?

21 A. Yes.

22 Q. Okay. Then after that, it depends on how much money the
23 dancer makes; is that right?

24 A. Well, every dance, the club takes \$10 out. Every dance.

25 Q. So a portion goes to the club?

10:04AM 1 A. Um-hum.

10:04AM 2 Q. And a portion goes to the dancer?

10:04AM 3 A. Yes.

10:04AM 4 Q. When you were working there and while you were at

10:04AM 5 Pharaoh's, was there -- was there drug use that you observed

10:04AM 6 at Pharaoh's?

10:04AM 7 A. Everywhere.

10:04AM 8 Q. What was your answer?

10:04AM 9 A. Almost everywhere.

10:05AM 10 Q. In your life experience and working at Pharaoh's, have

10:05AM 11 you observed people under the influence of cocaine?

10:05AM 12 A. Yes.

10:05AM 13 Q. And now you indicated it's a drug that you've used

10:05AM 14 several times in your life in the past, correct?

10:05AM 15 A. Twice, yep.

10:05AM 16 Q. And so you understand the physical effect that cocaine

10:05AM 17 has on people?

10:05AM 18 A. Um-hum.

10:05AM 19 Q. Is that a yes?

10:05AM 20 A. Yes.

10:05AM 21 Q. It just has to be yes or no, okay?

10:05AM 22 What type of physical characteristics do you observe when

10:05AM 23 people use cocaine?

10:05AM 24 A. Their eyes dilate. They talk really fast. They start to

10:05AM 25 sweat more. They're distracted, so they're not making as

1 much money on the floor doing dances. And most of the time
2 when they get on the stage you can see white glowing cocaine
3 in their nose, so I'd have to go up and do, like, nose taps,
4 so they need to clean themselves up.

5 Q. And are there black lights in Pharaoh's?

6 A. All over.

7 Q. And under that type of lighting, was it easier to see?

8 A. Easier. It glows. And the girls don't know it, so they
9 get on the stage and it's too late.

10 Q. Have you observed people under the influence of opiates
11 or heroin inside Pharaoh's?

12 A. Yes.

13 Q. Can you describe your observations in that regard?

14 A. I've seen girls grinding heroin, taking pills, but I
15 never personally seen a girl shooting up. I knew it was
16 going on in the bathroom.

17 **MR. MacKAY:** Objection, calls for hearsay.

18 **THE COURT:** Yeah, so --

19 **MR. TRIPI:** Judge, she answered what she observed.
20 She's observed people grinding up heroin.

21 **THE COURT:** Yeah.

22 **MR. TRIPI:** She's being responsive.

23 **THE COURT:** And then she moved to something that she
24 said she didn't see, and that is likely hearsay. So I think
25 the objection is well taken at the point that he objected.

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1 Next question.

2 **BY MR. TRIPI:**

3 Q. Sticking to what you saw first --

4 A. Okay.

5 Q. -- with respect to heroin and opiates, what did you

6 observe personally in terms of --

7 A. It really wasn't discreet, most of the girls would do it

8 at the same time 'cuz they'd all walk in the bathroom, more

9 they just do it right on the counter.

10 Q. I think you began to say you didn't observe intravenous

11 use, but --

12 A. Yeah.

13 Q. -- you observed sniffing it?

14 A. Sniffing and taking pills, but not intravenous.

15 Q. And so what physical characteristics, based on your

16 observations and life experience at Pharaoh's, do you

17 associate with people under the influence of opiates and

18 heroin?

19 A. Nodding off. Falling asleep. Overdosing on the floor.

20 Needing help. Just slurring. Unable to walk. Being taken

21 advantage of. Track marks.

22 Q. You made those observations with respect to Pharaoh's

23 dancers?

24 A. Yes, we tried not to hire the girls with the track marks.

25 **MR. MacKAY:** Objection, nonresponsive.

10:08AM 1 **THE COURT:** Sustained. The jury will strike that
10:08AM 2 last remark.

10:08AM 3 So again, ma'am, just try to answer the question, not
10:08AM 4 volunteer things. Okay?

10:08AM 5 **BY MR. TRIPI:**

10:08AM 6 Q. What did you -- what did you -- when dancers would have
10:08AM 7 track marks, would you try to remedy that --

10:08AM 8 A. Yeah.

10:08AM 9 Q. -- or hide it?

10:08AM 10 A. Yep.

10:08AM 11 Q. How did you do that?

10:08AM 12 A. I sold dancer clothing, and I gave them sleeves that
10:08AM 13 covered them up. And then they wore stocking so you couldn't
10:08AM 14 see them.

10:08AM 15 Q. And what are track marks?

10:08AM 16 A. They're lines from the veins collapsing from the needles.

10:08AM 17 Q. At Pharaoh's, have you used marijuana there?

10:08AM 18 A. Yes.

10:08AM 19 Q. Are you familiar with the location where other people who
10:08AM 20 work there will go to use marijuana?

10:08AM 21 A. Yes.

10:08AM 22 Q. Where is that? Describe it.

10:08AM 23 A. Outside in the smoking area.

10:08AM 24 Q. And where is that outside employee smoking area?

10:08AM 25 A. If you go between the dressing room entrance and then you

10:08AM 1 head towards the VIP bathrooms, it's that door right there.

10:09AM 2 Q. At various times, have you observed Pharaoh's dancers,
10:09AM 3 staff, and employees, under the influence of those various
10:09AM 4 types of drugs we've just covered: Cocaine, heroin and
10:09AM 5 marijuana?

10:09AM 6 A. Yes.

10:09AM 7 Q. How frequent was that -- were those drugs being used at
10:09AM 8 Pharaoh's?

10:09AM 9 A. Daily.

10:09AM 10 Q. Now, different question. I've asked you about drug usage
10:09AM 11 at Pharaoh's, now I'm going to ask you about drug
10:09AM 12 distribution, okay? So that could be an exchange for money,
10:09AM 13 or just giving it out when I say distribution, okay?

10:09AM 14 A. Okay.

10:09AM 15 Q. All right. Have you observed Peter Gerace both use and
10:09AM 16 distribute drugs at Pharaoh's?

10:09AM 17 A. Yes.

10:09AM 18 Q. Starting with drug use, what areas of Pharaoh's have you
10:10AM 19 observed Peter -- what drug did he typically use?

10:10AM 20 A. What drug?

10:10AM 21 Q. What drug did Peter Gerace typically use?

10:10AM 22 A. He used Lortabs and cocaine.

10:10AM 23 Q. Okay. What locations within Pharaoh's, so my first
10:10AM 24 question is where within Pharaoh's would he typically use
10:10AM 25 Lortabs and cocaine?

10:10AM 1 A. Offer -- office, liquor room, upstairs.

10:10AM 2 Q. And the office is on the first floor?

10:10AM 3 A. Yeah.

10:10AM 4 Q. And the liquor room, where's that?

10:10AM 5 A. It's right next to it. At one point, it was connected

10:10AM 6 and you could walk through, and then it was more shut off.

10:10AM 7 Q. Okay. But the office and the liquor room are both on the

10:10AM 8 first floor?

10:10AM 9 A. Yes.

10:10AM 10 Q. And then upstairs is that area you've already described?

10:10AM 11 A. Yes.

10:10AM 12 Q. Who controlled access to that upstairs?

10:10AM 13 A. Peter and Chris Chudy.

10:11AM 14 Q. So they had the keys? Is that a yes?

10:11AM 15 A. Yes.

10:11AM 16 Q. And is Chris Chudy, was he some type of daytime manager?

10:11AM 17 A. Yes, he was the basically the primary manager, he did all

10:11AM 18 of the paperwork, all that good stuff too. Orders.

10:11AM 19 Q. Did -- did Peter Gerace supply employees at Pharaoh's

10:11AM 20 with cocaine?

10:11AM 21 A. Yes.

10:11AM 22 Q. Did he supply them with Lortabs?

10:11AM 23 A. Yes.

10:11AM 24 Q. Specifically, a subset of employees, I want to talk about

10:11AM 25 dancers. Did Peter supply dancers with drugs?

10:11AM 1 A. Yes.

10:11AM 2 Q. What type of drugs?

10:11AM 3 A. Cocaine and Lortabs.

10:11AM 4 Q. Were you aware of other employees that helped Peter sell

10:11AM 5 cocaine and Lortabs or distribute them in Pharaoh's?

10:11AM 6 A. Yes.

10:11AM 7 Q. Who were those people?

10:12AM 8 A. The girls who didn't go on stage really. They didn't do

10:12AM 9 lap dances. They just were there.

10:12AM 10 Q. By name, who were they?

10:12AM 11 A. Destiny. God, there's a couple.

10:12AM 12 Q. I'm going to ask you about some specific names so that --

10:12AM 13 A. Yeah, that would help.

10:12AM 14 Q. Do you know Charm?

10:12AM 15 A. Yes. Oh, yeah.

10:12AM 16 Q. Okay. Who was Charm?

10:12AM 17 A. Charm is Jessica Leyland.

10:12AM 18 Q. Okay. Did Jessica Leyland, did she sell cocaine inside

10:12AM 19 Pharaoh's?

10:12AM 20 A. 100 percent.

10:12AM 21 Q. Did she work with Peter Gerace selling cocaine inside

10:12AM 22 Pharaoh's?

10:12AM 23 A. Yes.

10:12AM 24 Q. What observations did you make in that regard?

10:12AM 25 A. He hovered around her all the time, and she gave him

10:12AM 1 drugs.

10:12AM 2 Q. How about Autumn Asher, also known as Cherry?

10:12AM 3 A. Yeah.

10:12AM 4 Q. Did she help Peter sell drugs?

10:12AM 5 A. Yes.

10:12AM 6 Q. What kind of drugs?

10:12AM 7 A. Cocaine. She used to sell marijuana a little bit, but --

10:12AM 8 **MR. MacKAY:** Objection, nonresponsive.

10:12AM 9 **THE COURT:** I'm sorry, I didn't hear what the last
10 thing was.

10:12AM 11 **MR. TRIPI:** She used to sell marijuana a little bit.

10:13AM 12 How on the planet is that objectionable?

10:13AM 13 **THE COURT:** It's not. Overruled.

10:13AM 14 **MR. TRIPI:** So --

10:13AM 15 **THE COURT:** Mr. Tripi, let's keep the remarks --

10:13AM 16 **MR. TRIPI:** I apologize, I withdraw.

10:13AM 17 **THE COURT:** Okay. Let's keep the characterization to
18 a minimum please. Yeah, thank you.

10:13AM 19 **MR. TRIPI:** Yeah.

10:13AM 20 **THE COURT:** Okay.

10:13AM 21 **MR. TRIPI:** Judge, can we just come up very briefly
22 on that?

10:13AM 23 **THE COURT:** Absolutely.

10:13AM 24 (Sidebar discussion held on the record.)

10:13AM 25 **MR. TRIPI:** Firstly, I apologize for the frustration.

1 But secondly, what I'd like to explain about this witness, and
2 perhaps I should have before she came in, she's very highly
3 traumatized.

4 **THE COURT:** Yep.

5 **MR. TRIPI:** And sometimes in those situations, the
6 government's allowed to lead. I'm trying not to lead. But if
7 the Court would give me some leeway in that area, then I can
8 probably control this a little bit better.

9 **THE COURT:** Yeah, I --

10 **MR. TRIPI:** I do take my witnesses as they come, and
11 I've tried and tried, and I've prepped a lot, and this is the
12 best it's ever been.

13 **THE COURT:** Yeah.

14 **MR. TRIPI:** Okay? But, you know, she has trauma.
15 And she's not making it up. And I'm sure they don't want to
16 open the door to the physical abuse and the emotional abuse
17 that that trauma is manifesting itself in this trial.

18 So I just wanted to make you aware. I'm doing my
19 best.

20 **THE COURT:** And I almost expected you to start
21 leading a little bit, and I also would have expected not a
22 whole lot of objection unless there was a real problem with
23 the leading; is that correct?

24 **MR. MacKAY:** Judge, yeah, I don't have much problem
25 with the leading, I've let a lot of that go. It's more when

1 she starts to stray into like what sounds like she's hearing
2 from other places, like her last answer she talked about what
3 she saw Autumn Asher do, it sounded like -- when she talked
4 about marijuana, that's what she knew in the past, to be
5 hearsay. And that's where I'm trying to cut it off, that's
6 all.

7 **THE COURT:** I understand, but --

8 **MR. TRIPI:** Under U.S. versus Yannotti, okay, so
9 clearly this woman, wittingly or unwittingly, was involved in
10 both of these conspiracies, and we'll develop that in a
11 moment. Under U.S. versus Yannotti, the 2nd Circuit has said
12 where a witness's perceptions form their opinions in a
13 conspiracy in which they participated, that's a proper 701
14 opinion. So to the extent, it's not hearsay, because she's a
15 participant in the events.

16 **THE COURT:** And it may be or it may not be. I didn't
17 think the marijuana comment was a problem, I think some of the
18 other comments have been. But why don't you try leading a
19 little bit.

20 **MR. TRIPI:** I will.

21 **THE COURT:** I'm not precluding you from objecting.
22 Obviously, you object when you think the leading has gone too
23 far. But I think that leading may be a good solution to the
24 problem that we have.

25 **MR. TRIPI:** And I'm sorry I didn't flag this in the

1 beginning, that might have cut through some of this.

2 **THE COURT:** Not a problem. That's okay.

3 **MR. TRIPI:** Understood.

4 **THE COURT:** Thank you.

5 (End of sidebar discussion.)

6 **BY MR. TRIPI:**

7 Q. Did you observe Autumn Asher supplying cocaine at various
8 points around Pharaoh's?

9 A. Yes.

10 Q. Did you know, based on your observations and your
11 association with Mr. Gerace, that at times she was selling
12 cocaine at his behest?

13 A. Yes.

14 Q. Was Melissa Meyers another employee who worked there?

15 A. Yes.

16 Q. What was her job?

17 A. She's a bartender.

18 Q. Did you observe her sell cocaine there?

19 A. Yes.

20 Q. Is she someone who was also close with Mr. Gerace?

21 A. Yes, very.

22 Q. Has she been a long time employee of Pharaoh's?

23 A. Yes.

24 Q. Did you observe her making transactions of cocaine at
25 various points in time?

10:16AM

1 A. Yes.

10:16AM

2 Q. Do you know an individual who would frequent Pharaoh's
3 named Marcus Black?

10:16AM

4 A. Yes.

10:16AM

5 Q. What is his relationship with Mr. Gerace, as far as you
6 know it?

10:16AM

7 A. Long time party guy, drug dealer.

10:16AM

8 Q. Was he a -- were they friends?

10:16AM

9 A. Yes.

10:16AM

10 Q. Was Marcus Black someone who would frequent Pharaoh's?

10:16AM

11 A. Frequently.

10:17AM

12 Q. Is Marcus Black someone who would distribute cocaine,
13 based upon your observations and understanding, to
14 Mr. Gerace?

10:17AM

15 A. Yes.

10:17AM

16 Q. Did Marcus Black supply others, as well, at Pharaoh's?

10:17AM

17 A. Yes.

10:17AM

18 Q. Who's Matthew Leinert, do you know him?

10:17AM

19 A. Who?

10:17AM

20 Q. Matthew Leinert.

10:17AM

21 A. Oh, Matthew Leinert?

10:17AM

22 Q. Did he work there, or was he a patron?

10:17AM

23 A. He was a patron, but Peter might have given an odd job
24 for extra money.

10:17AM

25 Q. Were they friendly?

10:17AM

10:17AM 1 A. They were best friends. They used to meet up at bars all
10:17AM 2 the time.

10:17AM 3 Q. Is Mr. Leinert someone who would distribute cocaine at
10:17AM 4 Pharaoh's?

10:17AM 5 A. Yes.

10:17AM 6 Q. Do you know Chris -- did you know Crystal Quinn?

10:17AM 7 A. Yes.

10:17AM 8 Q. Is she someone who would get cocaine from Mr. Gerace and
10:18AM 9 also help him move it at times in the club?

10:18AM 10 A. Along with other people.

10:18AM 11 Q. Is that --

10:18AM 12 A. Yes.

10:18AM 13 Q. When you say along with other people, Ms. Quinn was
10:18AM 14 helping other people? Or Ms. Quinn was helping Gerace help
10:18AM 15 other people? Just to clarify that.

10:18AM 16 A. Ms. Quinn was also helping other people.

10:18AM 17 Q. Okay. Now was there a written or a public policy that
10:18AM 18 Pharaoh's had that said no drug use or distribution was
10:18AM 19 allowed? Like, the stated policy was no drugs; is that
10:18AM 20 correct?

10:18AM 21 A. I don't remember that.

10:18AM 22 Q. No? Okay. Did Mr. Gerace have a policy regarding
10:18AM 23 calling the police?

10:19AM 24 A. Yes.

10:19AM 25 Q. And was that a written or unwritten rule?

10:19AM 1 A. Unwritten rule.

10:19AM 2 Q. What was the unwritten rule?

10:19AM 3 A. You were absolutely not to call -- supposed to call the

10:19AM 4 police because it was a strike against your liquor license.

10:19AM 5 Q. How did Mr. Gerace communicate that policy to others?

10:19AM 6 A. Well, if there was an issue, everyone went to him first,

10:19AM 7 and then he told us.

10:19AM 8 Q. How to proceed?

10:19AM 9 A. Yeah. Or took it into matters into management's hands.

10:19AM 10 Q. Now, there were a lot of -- we talked about this a little

10:19AM 11 bit earlier. There were a lot of female dancers who worked

10:19AM 12 at Pharaoh's; is that right?

10:19AM 13 A. Yes.

10:19AM 14 Q. Did many of them go by aliases?

10:19AM 15 A. Yes.

10:19AM 16 Q. Did many of them have names that you didn't know what

10:19AM 17 their true name was?

10:19AM 18 A. Yes.

10:19AM 19 Q. Is that fair to say?

10:19AM 20 A. Yep.

10:19AM 21 Q. How many Pharaoh's dancers would be working on a typical

10:19AM 22 weekend, let's say, from Friday to Sunday?

10:19AM 23 A. 50.

10:19AM 24 Q. And during the workweek, so like Monday through Thursday,

10:20AM 25 how many dancers worked per day and night roughly?

10:20AM 1 A. Maybe 20.

10:20AM 2 Q. Okay.

10:20AM 3 A. Two shifts.

10:20AM 4 Q. And there's two shifts, what are the shifts?

10:20AM 5 A. 11 to 7 and then 7 to, like, I don't know if they're open

10:20AM 6 to 4 anymore since COVID, but --

10:20AM 7 Q. Okay. So, 11 to 7, and then 7 to close?

10:20AM 8 A. Yes. And then you could always do a split if you wanted.

10:20AM 9 Q. Split meaning you worked part of the day shift, and part

10:20AM 10 of the night shift?

10:20AM 11 A. Yeah. Like, you came in at 4, and stayed until --

10:20AM 12 Q. While working or being present inside Pharaoh's, have you

10:20AM 13 had occasion to observe Pharaoh's dancers overdose on drugs?

10:20AM 14 A. Yes.

10:20AM 15 Q. How many overdose situations did you personally observe?

10:21AM 16 A. Two in Pharaoh's.

10:21AM 17 Q. What approximate year were those overdoses?

10:21AM 18 A. It was -- I had to use Narcan.

10:21AM 19 Q. What approximate year were the overdoses?

10:21AM 20 A. Oh, what year? 2015.

10:21AM 21 Q. Was Peter Gerace made aware of the overdosing dancers in

10:21AM 22 each situation?

10:21AM 23 A. Yeah.

10:21AM 24 Q. How did he become aware of it?

10:21AM 25 A. I told him, or other people told him.

1 Q. In those situations that you were present for, did you
2 form an opinion as to what type of drug the dancer was
3 over -- actively overdosing on?

4 A. Heroin.

5 Q. While you were there at Pharaoh's, and while you were
6 with Mr. Gerace, was there prostitution activity at
7 Pharaoh's?

8 A. Yes.

9 Q. Did Mr. Gerace have any role directing dancers to work as
10 prostitutes?

11 A. Yes.

12 Q. Can you please explain that for the jury?

13 A. He set the girls up for his friends. And then he took
14 tips from big spenders and looked the other way. If you were
15 a celebrity or someone, like, of status, he let you go
16 upstairs in the private area.

17 Q. And that's the private area that you talked about that he
18 controlled that at times had a hot tub and couches and stuff
19 like that?

20 A. Um-hum. Yeah, it always had couches.

21 Q. Was one celebrity that Mr. Gerace would have come into
22 town that he would allow to go upstairs with dancers for
23 sexual activity, was that an actor named Lillo Brancato?

24 A. Yes.

25 Q. And is that someone who was in movies like Bronx Tale and

1 the Sopranos?

2 A. Yes.

3 Q. Was another person that Mr. Gerace would allow to go

4 upstairs with Pharaoh's dancers, was that New York State

5 Supreme Court Judge John Michalski?

6 A. Yes.

7 Q. On an occasion, did you actually unlock the, at Peter's

8 direction, unlock the downstairs door for Mr. Michalski to go

9 upstairs with a dancer?

10 A. Yes, I did.

11 Q. Were there other -- without getting into names, were

12 there other people who you understood to be political figures

13 from this area?

14 A. Yes.

15 Q. Were there other people who you understood to be

16 attorneys in this area?

17 A. Yes.

18 Q. Were there other people who you understood to be

19 professional athletes in this area?

20 A. Yes.

21 Q. Particularly from -- older former members of the Buffalo

22 Sabres?

23 A. Yes.

24 Q. Now, were there situations where if you weren't one of

25 those higher-profile people that Peter allowed upstairs,

10:24AM 1 where -- where you were aware of individuals being able to go
10:24AM 2 in the downstairs VIP area to engage in sex acts with
10:24AM 3 Pharaoh's dancers?
10:24AM 4 A. Yes.
10:24AM 5 Q. Can you describe how that situation played out for the
10:24AM 6 jury? Describe how the non-upstairs people can still go
10:24AM 7 downstairs into the VIP area to engage in sex acts with
10:24AM 8 Pharaoh's dancers.
10:24AM 9 A. It wasn't obvious. The girls would just switch their
10:24AM 10 underwear over and slide it in. Or they would try to, like,
10:25AM 11 drop down like they're shaking their boobs on a customer, and
10:25AM 12 then --
10:25AM 13 Q. Let me ask you another question.
10:25AM 14 A. Yeah.
10:25AM 15 Q. So you're explaining sort of how it went down in the
10:25AM 16 room. But were -- were -- is there someone called a VIP
10:25AM 17 attendant who is supposed to watch --
10:25AM 18 A. Yeah.
10:25AM 19 Q. -- and stop that activity?
10:25AM 20 A. Yes.
10:25AM 21 Q. Did the -- did the activity involve paying that person
10:25AM 22 off to not intercede?
10:25AM 23 A. Yes.
10:25AM 24 Q. Explain that --
10:25AM 25 A. And the girls -- okay.

1 Q. -- explain that part for the jury.

2 A. Okay. So a lot of times, the customers would tip the VIP
3 guy to look the other way. And then the girls would tip, if
4 they knew it was an extra trip, the guy also. So he would be
5 getting tipped twice.

6 Q. And how did Peter benefit from that activity?

7 A. I'm not positive how well he benefitted from that. 'Cuz
8 there --

9 **THE COURT:** No.

10 **BY MR. TRIPI:**

11 Q. But you were aware that that was occurring?

12 A. Yes.

13 Q. In your view, based upon your participation at Pharaoh's,
14 was that a widely known fact within the Pharaoh's community,
15 the employees, bouncers, the management, yourself,
16 Mr. Gerace, that that's how it went down with big tippers in
17 the VIP area?

18 A. Yeah.

19 **MR. MacKAY:** Objection, calls for speculation.

20 **MR. TRIPI:** That's U.S. versus Yannotti.

21 **THE COURT:** That's overruled. Go ahead.

22 **THE WITNESS:** Yeah.

23 **BY MR. TRIPI:**

24 Q. Okay. Was there a term that Peter used for big spenders
25 called a "whale?"

10:26AM 1 A. Yes.

10:26AM 2 Q. What directives would Peter give out, how to treat
10:26AM 3 whales. Withdrawn. What was a whale?

10:26AM 4 A. It was a person who spent a lot.

10:26AM 5 Q. And did Peter give directives out to staff as to how to
10:26AM 6 treat the whales or the big spenders at Pharaoh's?

10:26AM 7 A. Yeah, he did, the big ones. That's when they got to go
10:26AM 8 upstairs or there were favors and stuff like that.

10:27AM 9 Q. When you say favors, are you talking about sexual favors?

10:27AM 10 A. Peter favors. Like, Peter owed them something for doing
10:27AM 11 something for him, so he would hook them up with a reward.

10:27AM 12 Q. And in your experience, the reward was going upstairs
10:27AM 13 with a Pharaoh's dancer?

10:27AM 14 A. Yes.

10:27AM 15 Q. Over time, over your time when you were sort of
10:27AM 16 intimately involved with Peter Gerace and the day-to-day
10:27AM 17 activities of Pharaoh's, approximately how many dancers over
10:27AM 18 time worked in some capacity as prostitutes under Mr. Gerace
10:27AM 19 at Pharaoh's?

10:27AM 20 A. It started to seem like everyone, probably 50.

10:27AM 21 Q. And that's over a period of time though, right?

10:27AM 22 A. Yeah.

10:27AM 23 Q. In one particular situation, actually, did you have
10:28AM 24 someone who was a defense attorney for you named Matthew
10:28AM 25 Albert?

10:28AM 1 A. Yes.

10:28AM 2 Q. Was he an attorney that was helping you in a trial where

10:28AM 3 you were on trial for a DWI?

10:28AM 4 A. Yes.

10:28AM 5 Q. And where was that DWI trial?

10:28AM 6 A. Fredonia.

10:28AM 7 Q. And did Mr. Albert win the trial in some way?

10:28AM 8 A. Yes.

10:28AM 9 Q. You were not convicted?

10:28AM 10 A. I wasn't convicted.

10:28AM 11 Q. And was Peter there for that part of your trial when you

10:28AM 12 were --

10:28AM 13 A. Yes.

10:28AM 14 Q. -- not convicted?

10:28AM 15 Did Mr. Albert get invited by Mr. Gerace back to

10:28AM 16 Pharaoh's?

10:28AM 17 A. Yes.

10:28AM 18 Q. And did you also invite him to come to Pharaoh's to sort

10:28AM 19 of celebrate?

10:28AM 20 A. Yeah.

10:28AM 21 Q. After that, did Mr. Albert in fact go to Pharaoh's?

10:29AM 22 A. Yes.

10:29AM 23 Q. As you understand that evening, did Mr. Gerace provide or

10:29AM 24 arrange to provide Mr. Albert with cocaine?

10:29AM 25 A. Yes.

1 Q. And did they continue having a relationship for some time
2 where Mr. Gerace would provide Mr. Albert --
3 A. Yes.
4 Q. -- with cocaine?
5 A. Yes.
6 Q. And that night, based upon your observations and
7 understanding, did Mr. Gerace also set Mr. Albert up with a
8 dancer that ultimately engaged in sex acts with Mr. Albert?
9 A. Yes.
10 Q. Were there times when you would hear complaints from
11 dancers about having to have sex with people at Peter's --
12 with Peter's friends?
13 A. Yes.
14 **MR. MacKAY:** Objection.
15 **THE COURT:** Basis?
16 **MR. MacKAY:** Judge, can we approach on this one?
17 **THE COURT:** Yeah, come on up.
18 (Sidebar discussion held on the record.)
19 **THE COURT:** What's the basis of the objection?
20 **MR. MacKAY:** I think it's gonna be relevance if it's
21 gonna deal with -- I think we're hitting that issue of whether
22 it's consensual, or the difference between what
23 prostitution --
24 **MR. TRIPI:** That was my last question in that area.
25 **MR. MacKAY:** So earlier in the trial, the Court

1 recognized the difference between nonconsensual sex --

2 **THE COURT:** Yes.

3 **MR. MacKAY:** -- versus prostitution activities quid
4 pro quo, and --

5 **THE COURT:** Yes.

6 **MR. MacKAY:** -- I'm not sure if it' -- how she's going
7 to answer is going to blur those two.

8 **MR. TRIPI:** Complaining about having sex with Peter's
9 friends, that goes to the heart of the motive, and it goes to
10 how widely known --

11 **THE COURT:** Yeah.

12 **MR. TRIPI:** -- the activities were.

13 **THE COURT:** I don't see -- yeah, I don't see that as
14 being objectionable, so the objection is overruled.

15 **MR. TRIPI:** And I'm not going very far.

16 **THE COURT:** Yeah, great.

17 (Sidebar discussion ended.)

18 **THE COURT:** The objection is overruled. Next
19 question.

20 **MR. TRIPI:** Thanks, Your Honor.

21 **BY MR. TRIPI:**

22 Q. As time went on, did some members of the Outlaws start
23 working and managing at Pharaoh's?

24 A. Yes.

25 Q. Was there a guy named Tommy O who sort of started as a

10:31AM 1 cleaner and then --

10:31AM 2 A. Yes.

10:31AM 3 Q. -- sort of by the end of your time there had become the

10:31AM 4 general manager?

10:31AM 5 A. He was still cleaner when I left --

10:31AM 6 Q. Oh, okay.

10:31AM 7 A. -- so he was never a general manager when I was there.

10:31AM 8 Q. So he was a member of the Outlaws, though?

10:31AM 9 A. Yeah.

10:31AM 10 Q. Was there another person who was a cook named PJ?

10:31AM 11 A. Yes.

10:31AM 12 Q. Did other members of the Outlaws hang out there at times?

10:31AM 13 A. Every Wednesday. It was like their church day.

10:31AM 14 Q. Is that like a meeting day for bikers?

10:31AM 15 A. Yeah, it's like a meeting for them, at least the Outlaws,

10:31AM 16 I don't know about all bikers.

10:31AM 17 Q. And did other members of motorcycle clubs --

10:31AM 18 A. Yes.

10:31AM 19 Q. -- frequent there as well when the Outlaws were there?

10:32AM 20 A. Rare Breed and Chosen Few.

10:32AM 21 Q. Do you know Mr. Gerace's brother, Anthony?

10:32AM 22 A. Yes.

10:32AM 23 Q. At times, would he frequent the club or socialize at the

10:32AM 24 club?

10:32AM 25 A. All the time.

10:32AM 1 Q. Have you witnessed him sell marijuana before?

10:32AM 2 A. No.

10:32AM 3 Q. Has he sold you marijuana?

10:32AM 4 A. No.

10:32AM 5 Q. Now I'd like to ask you about Joseph Bongiovanni.

10:32AM 6 A. Um-hum.

10:32AM 7 Q. Do you know him?

10:32AM 8 A. Yes.

10:32AM 9 Q. Do you see him in court?

10:32AM 10 A. Yep.

10:32AM 11 Q. Can you point to him and describe an article of clothing
10:32AM 12 he's wearing?

10:32AM 13 A. He's wearing a purple tie.

10:32AM 14 **MR. TRIPI:** May the record reflect that the witness
10:32AM 15 identified the defendant.

10:32AM 16 **THE COURT:** Yes.

10:32AM 17 **BY MR. TRIPI:**

10:32AM 18 Q. Do you know the defendant's wife?

10:32AM 19 A. Yes.

10:32AM 20 Q. What's her name?

10:32AM 21 A. Lindsay.

10:32AM 22 Q. Do you know the defendant's wife's sister?

10:32AM 23 A. Ashley.

10:32AM 24 Q. Can you describe the relationship between the defendant
10:33AM 25 and Peter Gerace?

10:33AM 1 A. With them?

10:33AM 2 Q. The relationship between the defendant and Peter Gerace,
10:33AM 3 what was their relationship?

10:33AM 4 A. Okay. The defendant's known them for a long time.
10:33AM 5 They're long-term friends.

10:33AM 6 Q. Now, while you were married with Mr. -- to Mr. Gerace,
10:33AM 7 did there come a point in time where you and Mr. Gerace were
10:33AM 8 invited and attended a birthday dinner for the defendant at
10:33AM 9 Boss restaurant on Hertel Avenue?

10:33AM 10 A. Yes.

10:33AM 11 Q. Was the defendant there?

10:33AM 12 A. Yes.

10:33AM 13 Q. Was Mr. Gerace there?

10:33AM 14 A. Yes.

10:33AM 15 Q. Did they socialize that night?

10:33AM 16 A. Yes.

10:33AM 17 Q. Based on your life experience -- were there a lot of
10:33AM 18 people, a decent amount of people at the birthday dinner?

10:34AM 19 A. Yes.

10:34AM 20 Q. If you had to estimate, how many people were there in the
10:34AM 21 group that was part of the birthday?

10:34AM 22 A. Like, 40 members of high society.

10:34AM 23 Q. And was there -- did you make any observations that led
10:34AM 24 you to conclude, based on your life experience, that there
10:34AM 25 was -- there were individuals in the group who were using

10:34AM 1 cocaine?

10:34AM 2 A. Yes.

10:34AM 3 Q. Describe for the jury what observations you made that led

10:34AM 4 you to conclude that.

10:34AM 5 A. They were frequently going inside and outside of the

10:34AM 6 bathroom, like constant recycling, like five times, every

10:34AM 7 five minutes or whatever.

10:34AM 8 Q. And then did you observe any physical characteristics on

10:34AM 9 any of the individuals that you recall?

10:34AM 10 A. Their eyes started dilating, and they started speaking

10:34AM 11 really fast, they start sweating, and their face turns more

10:34AM 12 red.

10:34AM 13 Q. Was Mr. Gerace engaging in that activity?

10:35AM 14 A. He was going into the bathroom, so I did not witness.

10:35AM 15 Q. Did you form the conclusion that Mr. Gerace --

10:35AM 16 A. Yes.

10:35AM 17 Q. -- was high on cocaine?

10:35AM 18 A. Yes.

10:35AM 19 Q. Was Mr. Gerace interacting with the defendant after he

10:35AM 20 would come in and out of the bathroom?

10:35AM 21 A. Yes.

10:35AM 22 Q. Did you make any observations of the defendant going in

10:35AM 23 and out of that bathroom with Mr. Gerace or others?

10:35AM 24 A. No.

10:35AM 25 Q. As you sit here today, do you remember any other members

10:35AM 1 of the group who were displaying those physical

10:35AM 2 characteristics either by name or description.

10:35AM 3 A. Not that great, no.

10:35AM 4 Q. Now, you indicated at points in time you worked in the

10:36AM 5 office at Pharaoh's where there would be money?

10:36AM 6 A. Um-hum.

10:36AM 7 Q. Is that a yes?

10:36AM 8 A. Yeah.

10:36AM 9 Q. And one way Mr. Gerace would pay people, would that

10:36AM 10 involve putting cash in envelopes?

10:36AM 11 A. Yes.

10:36AM 12 Q. Were there times when you paid dancers in that way?

10:36AM 13 A. Yes.

10:36AM 14 Q. Were there times when you paid vendors in --

10:36AM 15 A. Yeah.

10:36AM 16 Q. -- with cash in envelopes?

10:36AM 17 A. Yes.

10:36AM 18 Q. Now, the defendant never had any official role working at

10:36AM 19 Pharaoh's; is that correct? Defendant Bongiovanni didn't

10:36AM 20 work --

10:36AM 21 A. Oh, Bongiovanni? Yeah, no, never.

10:36AM 22 Q. Okay. Were there times, at Mr. Gerace's direction, that

10:36AM 23 he told you the defendant would be stopping by and to give

10:36AM 24 the defendant an envelope of cash?

10:36AM 25 A. He did stop by, yeah. Yep.

10:36AM 1 Q. Did you give this defendant envelopes of cash at
10:36AM 2 Mr. Gerace's direction?
10:36AM 3 A. Yes.
10:36AM 4 Q. Approximately how many times?
10:36AM 5 A. I don't know if we included the birthday one, but two and
10:37AM 6 then the birthday card.
10:37AM 7 Q. So let's start -- I'll go back to the birthday card in a
10:37AM 8 moment. But the two occasions that you recall handing the
10:37AM 9 defendant envelopes of cash, how did you know they were
10:37AM 10 envelopes of cash?
10:37AM 11 A. You could just feel it.
10:37AM 12 Q. And from your life experience in paying other people in
10:37AM 13 cash envelopes, you knew it was cash?
10:37AM 14 A. Um-hum.
10:37AM 15 Q. Yes?
10:37AM 16 A. Yes.
10:37AM 17 Q. Did the envelopes seem thin, or did it seem thick?
10:37AM 18 A. Thick.
10:37AM 19 Q. Did you know how much cash was in the envelope?
10:37AM 20 A. No.
10:37AM 21 Q. And the area of Pharaoh's that the defendant entered,
10:37AM 22 where did you actually hand him the envelopes?
10:37AM 23 A. Office.
10:37AM 24 Q. First floor office? Yes?
10:37AM 25 A. Yep.

10:37AM 1 Q. Did the defendant enter a part of Pharaoh's where there
10:38AM 2 was no cameras at that time?

10:38AM 3 A. Yes.

10:38AM 4 Q. Do you remember what approximate year it was where the
10:38AM 5 defendant came and you gave him envelopes of cash at
10:38AM 6 Pharaoh's?

10:38AM 7 A. 2015.

10:38AM 8 Q. Is that the same year, I think earlier you said that was
10:38AM 9 the same year that two dancers had overdosed in there?

10:38AM 10 A. Yes.

10:38AM 11 Q. Now, I'd like to go back to the birthday at Boss, okay?

10:38AM 12 A. Okay.

10:38AM 13 Q. You referenced a birthday card. Did Mr. Gerace give
10:38AM 14 Defendant Bongiovanni a birthday card that day?

10:38AM 15 A. Yes.

10:38AM 16 Q. When you were getting ready to go that evening to the
10:39AM 17 birthday party, were you home getting ready with Mr. Gerace?

10:39AM 18 A. Yes.

10:39AM 19 Q. Did you see what he put in the birthday card?

10:39AM 20 A. He said he was giving him 5,000.

10:39AM 21 **MR. MacKAY:** Objection. Withdrawn.

10:39AM 22 **BY MR. TRIPI:**

10:39AM 23 Q. 5,000?

10:39AM 24 A. Um-hum.

10:39AM 25 Q. Is that a yes?

10:39AM

1 A. Yes.

10:39AM

2 Q. She just can't take down anything other than yeses and

10:39AM

3 nos, okay?

10:39AM

4 A. I'm sorry.

10:39AM

5 Q. And did you see him put cash in the card?

10:39AM

6 A. I knew he was putting money in the card, I didn't

10:39AM

7 personally count it though.

10:39AM

8 Q. Okay. So you see him putting money in a card, and he

10:39AM

9 said -- Gerace said when he's doing that, I'm gonna give him

10:39AM

10 \$5,000?

10:39AM

11 A. Um-hum.

10:39AM

12 Q. Yes?

10:39AM

13 A. Yes.

10:39AM

14 Q. Okay.

10:39AM

15 A. For his 50th birthday.

10:39AM

16 Q. That was the defendant's 50th birthday?

10:39AM

17 A. Um-hum.

10:39AM

18 Q. Yes?

10:39AM

19 A. Yes.

10:39AM

20 Q. Okay. And when you were at the dinner, did you observe

10:39AM

21 Defendant Gerace hand that birthday card with what you

10:39AM

22 understood to be \$5,000 cash in it to the defendant?

10:40AM

23 A. I did.

10:40AM

24 Q. Did that seem like an overly generous birthday gift to

10:40AM

25 you?

1 A. Over the top. I never got a gift like that.

2 **MR. TRIPI:** One moment, please, Your Honor.

3 No further direct, Your Honor.

4 **MR. MacKAY:** Judge, can we just approach about
5 scheduling with cross?

6 **THE COURT:** Sure.

7 (Sidebar discussion held on the record.)

8 **MR. MacKAY:** Judge, I'm wondering if the Court's open
9 to take a break right now.

10 **THE COURT:** Say it again?

11 **MR. MacKAY:** I'm wondering if the Court is open to
12 taking a morning break. What happened is I prepared this
13 witness to be an eight-hour cross -- or eight-hour direct and
14 carved a lot out. I think it will go a lot smoother if I can
15 just kind of look over and --

16 **THE COURT:** Oh, sure.

17 **MR. MacKAY:** -- excise some areas.

18 **THE COURT:** Do you have any problem with that?

19 **MR. TRIPI:** If he's trimming down the amount we're
20 going to be here, I'd like to give him a reward if I could,
21 maybe a fat birthday card.

22 **THE COURT:** So -- yeah, exactly -- so take 15 or 20
23 minutes.

24 **MR. MacKAY:** Yeah, thank you.

25 **MR. TRIPI:** Thanks.

10:41AM 1 (Sidebar discussion ended.)

10:41AM 2 **THE COURT:** Okay. Folks, we're going to take our
10:41AM 3 morning break now, and so remember my instructions about not
10:41AM 4 talking about the case even with each other, and not making up
10:41AM 5 your mind.

10:41AM 6 We'll see you back here in about 15 or 20 minutes.

10:42AM 7 Thanks.

10:42AM 8 (Off the record at 10:42 a.m.)

10:42AM 9 **THE COURT:** Anything for the record before we break?

10:42AM 10 **MR. TRIPI:** No, Your Honor, thank you.

10:42AM 11 **MR. MacKAY:** No, Your Honor.

10:42AM 12 **THE COURT:** Great. We'll see you in 15 or 20
10:42AM 13 minutes.

10:42AM 14 **THE CLERK:** All rise.

10:52AM 15 (Off the record at 10:42 a.m.)

11:13AM 16 (Back on the record at 11:13 a.m.).

11:13AM 17 (Jury not present.)

11:13AM 18 **THE CLERK:** All rise.

11:13AM 19 **THE COURT:** Please be seated.

11:13AM 20 **THE CLERK:** We are back on the record for the
11:13AM 21 continuation of the jury trial in case number 19-cr-227,
11:13AM 22 United States of America versus Joseph Bongiovanni.

11:14AM 23 All counsel and parties are present.

11:14AM 24 **THE COURT:** Are we ready to go?

11:14AM 25 **MR. MacKAY:** I'm ready to go on cross. Judge, I

1 think Mr. Singer just has some logistical issues about our
2 witness and may have a particular request.

3 **MR. SINGER:** Yeah, so I just want to give you a
4 heads-up, Judge. So Mr. Devereaux is sitting behind me right
5 now. He's the financial expert that we retained. He's going
6 to be sitting at counsel table, I talked to Mr. Tripi, the
7 government doesn't have an objection with him doing that for
8 the next witness. But I set him up on his computer so we're
9 ready to go for the next witness. And I'll excuse him from
10 the courtroom now, and when we bring in Ms. Bifano, we'll
11 bring him back.

12 **THE COURT:** Great. Any problem with that?

13 **MR. TRIPI:** Not at all.

14 **THE COURT:** Okay. Anything the government wants to
15 put on the record?

16 **MR. TRIPI:** No, Your Honor.

17 **THE COURT:** Okay. So let's bring the jury in.

18 (Jury seated at 11:15 a.m.)

19 **THE COURT:** Welcome back, everyone. I apologize that
20 the delay was a little longer than we expected, but we did a
21 couple of things that I hope is gonna save time. So that's
22 why it was a little bit longer.

23 The record will reflect that all of our jurors are
24 present.

25 I remind the witness that she's still under oath.

11:16AM 1 And, Mr. MacKay, you may begin.

11:16AM 2 **MR. MacKAY:** Thank you, Your Honor.

11:16AM 3

11:16AM 4 **CROSS-EXAMINATION BY MR. MacKAY:**

11:16AM 5 Q. All right. Ms. Nigro, I've got a mask on here. I'm still
11:16AM 6 getting over something, so I'm going to try to keep my voice
11:16AM 7 up. Okay?

11:16AM 8 A. Okay.

11:16AM 9 Q. All right. I want to start with your education. As I
11:16AM 10 understand it, you never fully graduated from any college,
11:16AM 11 correct?

11:16AM 12 A. I finished actually at Cornell with a certificate
11:16AM 13 program.

11:16AM 14 Q. Okay. But you don't have, like, a bachelor's
11:16AM 15 undergraduate degree --

11:17AM 16 A. No.

11:17AM 17 Q. -- correct? Okay. You do have a podcast that you run
11:17AM 18 from time to time, correct?

11:17AM 19 A. Yes.

11:17AM 20 Q. Okay. Do you recall telling people on your podcast back
11:17AM 21 in April 2017 that you had a master's degree?

11:17AM 22 A. I was working on it actually. I'm not completed. I
11:17AM 23 actually re-signed up for UB.

11:17AM 24 Q. Okay. But at that time, even though you told people you
11:17AM 25 had a masters, you didn't have it at that time, correct?

11:17AM 1 A. Yeah.

11:17AM 2 Q. Okay. Now, you talked about a marriage to Peter Gerace.

11:17AM 3 When did that occur?

11:17AM 4 A. How did it occur?

11:17AM 5 Q. When did it occur?

11:17AM 6 A. Oh, September 18th.

11:17AM 7 Q. I'm sorry?

11:17AM 8 A. September 18th.

11:17AM 9 Q. What year?

11:17AM 10 A. 2014.

11:17AM 11 Q. And that preceded a prior marriage, correct?

11:17AM 12 A. Yes.

11:17AM 13 Q. Who was that to?

11:17AM 14 A. Wasyl Fedorchuk.

11:17AM 15 Q. When did you marry him?

11:17AM 16 A. Married in 2006.

11:17AM 17 Q. Okay. And what year did you finally get divorced from

11:17AM 18 Mr. Fedorchuk?

11:17AM 19 What year did you finally get divorced from

11:17AM 20 Mr. Fedorchuk?

11:17AM 21 A. I honestly don't know offhand.

11:17AM 22 Q. Okay. And was it around -- was it close in time to the

11:17AM 23 time you married Peter Gerace?

11:17AM 24 A. Yes.

11:17AM 25 Q. Okay. Now, so you were married to Mr. Fedorchuk all the

11:18AM 1 way from 2006 right up to about the time you married Peter
11:18AM 2 Gerace?

11:18AM 3 A. Give or take two years, yes.

11:18AM 4 Q. Okay. And in the meantime in 2008 or 2009, you also
11:18AM 5 married a gentleman named Allan Villar; do you recall that?

11:18AM 6 A. Yes.

11:18AM 7 Q. Even though you were still married to Mr. Fedorchuk,
11:18AM 8 correct?

11:18AM 9 A. It was a falsified marriage. It's kind of a mess.
11:18AM 10 There's a lot more involved with it.

11:18AM 11 Q. Okay. And that falsified marriage dealt with you
11:18AM 12 potentially being able to get a piece of the ownership in the
11:18AM 13 Mademoiselle strip club, correct?

11:18AM 14 A. I was working towards The Sundowner with Allan.

11:18AM 15 Q. Okay. So my question was, though, you were married Allan
11:18AM 16 because you were promised a piece of the Mademoiselle night
11:18AM 17 club, correct?

11:18AM 18 A. Along with Bill, yeah.

11:18AM 19 Q. Okay.

11:18AM 20 A. Bill Wasyl Fedorchuk.

11:18AM 21 Q. And you understood at that time when you married Allan
11:18AM 22 that it's legal to be married to two people, yes?

11:18AM 23 A. Yes.

11:19AM 24 Q. Okay. Now, you said you're familiar with Joseph
11:19AM 25 Bongiovanni, correct?

11:19AM

1 A. Yes.

11:19AM

2 Q. And you know him because you've seen him in the news,

11:19AM

3 correct?

11:19AM

4 A. Yes.

11:19AM

5 Q. Okay. And you've seen the news articles that have come

11:19AM

6 out since he was arrested, correct?

11:19AM

7 A. Yes.

11:19AM

8 Q. And you told the jury about -- you said it was a 50th

11:19AM

9 birthday party at Boss restaurant; do you remember that?

11:19AM

10 A. Yes.

11:19AM

11 Q. Okay. And it's your testimony that it was a 50th

11:19AM

12 birthday party, correct?

11:19AM

13 A. Yes.

11:19AM

14 Q. Okay. So you, and I assume it was Peter, went to Boss

11:19AM

15 and saw Mr. Bongiovanni there?

11:19AM

16 A. Yeah.

11:19AM

17 Q. Okay. And you understood it to be Mr. Bongiovanni's 50th

11:19AM

18 birthday party?

11:19AM

19 A. Yes.

11:19AM

20 Q. Okay. And that's the incident where you said that

11:19AM

21 Mr. Gerace may have exchanged an envelope with

11:19AM

22 Mr. Bongiovanni?

11:19AM

23 A. Yes.

11:19AM

24 Q. Okay. And it's your testimony that you saw that envelope

11:20AM

25 prepared before you went to Boss?

11:20AM 1 A. Yes.

11:20AM 2 Q. Okay. And you don't know how much money was put in there
11:20AM 3 based on what you saw, correct?

11:20AM 4 A. Yes.

11:20AM 5 Q. You've had occasion to handle cash before, correct?

11:20AM 6 A. Yes.

11:20AM 7 Q. Okay. Can you estimate for the jury approximately how
11:20AM 8 thick \$5,000 is if it's in hundreds? How thick is a stack?

11:20AM 9 A. About this much, because you'd usually rubber band them
11:20AM 10 or have a paper clip, so it makes it thicker.

11:20AM 11 Q. Okay. And that's your estimation if it's in hundreds,
11:20AM 12 correct?

11:20AM 13 A. Yes.

11:20AM 14 **MR. TRIPI:** Your Honor, I just want the record to
11:20AM 15 reflect the witness held her pointer finger and thumb maybe
11:20AM 16 about an inch apart.

11:20AM 17 **THE COURT:** I think about an inch is about an
11:20AM 18 accurate description, yes.

11:20AM 19 **BY MR. MacKAY:**

11:20AM 20 Q. Okay. And you didn't see that much money put in the
11:20AM 21 envelope, correct?

11:20AM 22 A. What?

11:20AM 23 Q. When you saw this envelope being prepared, you didn't see
11:20AM 24 that much money being put in there, correct?

11:20AM 25 A. No, I didn't.

11:21AM 1 Q. Okay. You didn't know if it was just a couple bills,
11:21AM 2 correct?
11:21AM 3 A. No, he said he was giving him \$5,000, but I don't know --
11:21AM 4 Q. My question is what you saw Peter do.
11:21AM 5 A. Yes.
11:21AM 6 Q. Could have been a couple bills?
11:21AM 7 A. It could have been.
11:21AM 8 Q. Okay. And as far as you understood, this was -- it's a
11:21AM 9 birthday present, correct?
11:21AM 10 A. Yes.
11:21AM 11 Q. Okay. And you saw the birthday card?
11:21AM 12 A. Yes.
11:21AM 13 Q. So you know it was a birthday card.
11:21AM 14 A. It was a birthday card.
11:21AM 15 Q. Okay. And you know that Mr. Bongiovanni and Mr. Gerace
11:21AM 16 have been friends since childhood, correct?
11:21AM 17 A. Yes.
11:21AM 18 Q. Now, you talked about some struggles with alcohol over
11:21AM 19 the years; do you recall telling us that on direct?
11:21AM 20 A. Yes.
11:21AM 21 Q. And we don't need to get too deep into this, but I think
11:21AM 22 if I understood you, you're sober now, correct?
11:21AM 23 A. Yes.
11:21AM 24 Q. But prior to that, is it fair to say your troubles with
11:21AM 25 alcohol were pretty substantial?

11:21AM 1 A. It became substantial because everything was out of
11:22AM 2 control.

11:22AM 3 Q. Let me -- I'm just trying to put a severity on it. Let's
11:22AM 4 talk about in 2015. The middle of the 20-teens. Pretty bad
11:22AM 5 at that time, yes?

11:22AM 6 A. In 2015 I was sober. I was actually in rehab.

11:22AM 7 Q. Okay.

11:22AM 8 A. And I was doing very well at BryLin.

11:22AM 9 Q. Okay. So when did it go downhill? When, not what
11:22AM 10 prompted it.

11:22AM 11 A. It started around 2016.

11:22AM 12 Q. Okay. Now, throughout that time you're using marijuana,
11:22AM 13 correct?

11:22AM 14 A. Yes.

11:22AM 15 Q. On a daily basis, correct?

11:22AM 16 A. Not always.

11:22AM 17 Q. Okay. Are you using any other substances at that time?

11:22AM 18 A. No.

11:22AM 19 Q. All right. Now, you estimated -- strike that.

11:22AM 20 You said on two occasions, you gave Mr. Bongiovanni
11:22AM 21 envelopes, correct?

11:22AM 22 A. Yes.

11:22AM 23 Q. Now, you don't know what was in the envelopes because you
11:22AM 24 didn't see what went in there, correct?

11:22AM 25 A. Yes.

11:23AM 1 Q. You didn't -- you didn't prepare whatever went in the
11:23AM 2 envelope, correct?

11:23AM 3 A. Yes.

11:23AM 4 Q. You -- the envelopes were sealed, correct?

11:23AM 5 A. Yes.

11:23AM 6 Q. There was no writing on them for what they were, correct?

11:23AM 7 A. Yes.

11:23AM 8 Q. And these were handed to you by Peter?

11:23AM 9 A. Yeah, he told me to just grab it and hand it to him.

11:23AM 10 Q. Okay.

11:23AM 11 A. At times he wasn't there. At times that Peter wasn't in
11:23AM 12 the building.

11:23AM 13 Q. Okay. So these two times he handed you these envelopes,
11:23AM 14 correct?

11:23AM 15 A. What?

11:23AM 16 Q. These two times, Peter handed you these envelopes?

11:23AM 17 A. Yes.

11:23AM 18 Q. Okay. And you said you exchanged these envelopes with
11:23AM 19 Mr. Bongiovanni in the downstairs office, correct?

11:23AM 20 A. Yes.

11:23AM 21 Q. Okay. And you've told us, though, that there's no
11:23AM 22 cameras at Pharaoh's, correct?

11:23AM 23 A. At the time, there's no cameras in the whole building.

11:23AM 24 Q. In the whole building?

11:23AM 25 A. The whole building.

11:23AM 1 Q. What do you mean by that?

11:24AM 2 A. He removed the cameras.

11:24AM 3 Q. Okay. So at that point in time, there's no cameras

11:24AM 4 whatsoever at Pharaoh's?, that's what I'm asking.

11:24AM 5 A. None. In the whole building.

11:24AM 6 Q. Okay. Now, is -- you also testified Peter had a lot of

11:24AM 7 different -- well, strike that.

11:24AM 8 Dancers got paid with envelopes, correct?

11:24AM 9 A. Yes.

11:24AM 10 Q. Vendors got paid with envelopes, correct?

11:24AM 11 A. Yes.

11:24AM 12 Q. Did Peter have personal debts that he had to settle that

11:24AM 13 you know of that he paid with envelopes?

11:24AM 14 A. Some gambling debts.

11:24AM 15 Q. Okay. So Peter paid -- so to your knowledge, Peter paid

11:24AM 16 gambling debts in envelopes?

11:24AM 17 A. Yeah.

11:24AM 18 Q. Okay. And were there, like, for example, food

11:24AM 19 distributors, were they paid with envelopes?

11:24AM 20 A. Most of the time they were checks.

11:24AM 21 Q. Okay. How about liquor distributors, those were

11:24AM 22 envelopes?

11:24AM 23 A. Yeah, with a check in it.

11:25AM 24 Q. Okay. And how about the linen services?

11:25AM 25 A. I actually have no idea.

11:25AM 1 Q. Okay. I mean, well, you were the office manager, you
11:25AM 2 testified at some point in time, correct?

11:25AM 3 A. Um-hum.

11:25AM 4 Q. I mean, approximately, if you had to estimate, how many
11:25AM 5 different vendors would Pharaoh's need at any one point in
11:25AM 6 time?

11:25AM 7 A. I primarily dealt with all the dancers and all the dance
11:25AM 8 count sheets and what they did every day as office manager.

11:25AM 9 Q. Okay. But did --

11:25AM 10 A. Peter did more of the financial stuff.

11:25AM 11 Q. Okay. But I'm just asking if you know, how many vendors
11:25AM 12 Pharaoh's had to deal with at any one point in time, counting
11:25AM 13 up things like the liquor distributor, the food distributor,
11:25AM 14 the linen --

11:25AM 15 A. Maybe ten.

11:25AM 16 Q. -- cleaners. Okay.

11:25AM 17 And you think many of those were paid in envelopes? A
11:25AM 18 majority were paid in envelopes?

11:25AM 19 A. Well, some of the checks and things, insurance stuff
11:25AM 20 were.

11:25AM 21 Q. Okay.

11:25AM 22 A. And if some payment for repairs, like if electrical
11:25AM 23 happened, were paid in envelopes.

11:25AM 24 Q. Okay. So did you recall there being, like, repairs that
11:25AM 25 had to be done with the electrical in the parking lot?

11:26AM 1 A. Um-hum.

11:26AM 2 Q. Okay. And the vendor came, and he accepted that in an

11:26AM 3 envelope?

11:26AM 4 A. Yeah.

11:26AM 5 Q. Did -- you've got to speak out loud.

11:26AM 6 A. Yes. I'm sorry, yes.

11:26AM 7 Q. Okay. And were you tasked on that occasion with giving

11:26AM 8 the envelope to the electric person?

11:26AM 9 A. I'm sorry, what?

11:26AM 10 Q. When this electrical repair occurred, were you tasked

11:26AM 11 with giving the envelope to the repair person?

11:26AM 12 A. Yes, I gave it to JRK Electric.

11:26AM 13 Q. And -- all right. Can you think of any other vendors you

11:26AM 14 had to pay in similar manners?

11:26AM 15 A. The person -- like, septic, who had to clean out the

11:26AM 16 toilets and stuff.

11:26AM 17 Q. Okay. Same way. You paid the septic --

11:26AM 18 A. Yeah, because it was on the spot, like not a regular

11:26AM 19 thing, but they were for an emergency problem we had with the

11:26AM 20 plumbing.

11:26AM 21 Q. Okay. But my question is, the same way, you had to give

11:26AM 22 him an envelope?

11:27AM 23 A. Yep.

11:27AM 24 Q. Okay. The same way Peter handed you the envelope, and

11:27AM 25 you handed that to the vendor?

11:27AM 1 A. Um-hum.

11:27AM 2 Q. Okay. And this would be occurring how often over your
11:27AM 3 time at Pharaoh's that you would have to pay vendors?

11:27AM 4 A. Almost every day.

11:27AM 5 Q. Okay. So almost every day. But you told us here that --
11:27AM 6 so, let's back up. Let me strike that.

11:27AM 7 So you were there almost every day from when to when?

11:27AM 8 A. From when I woke up, give or take eight. And I wasn't
11:27AM 9 allowed in the --

11:27AM 10 Q. That was a bad question. Let me reword it. I'm looking
11:27AM 11 for the years.

11:27AM 12 A. Oh.

11:27AM 13 Q. What -- when did you start being there almost every day?

11:27AM 14 A. I started at Pharaoh's in 2009, and then I stopped in
11:27AM 15 2016.

11:27AM 16 Q. Okay. But my question is, there comes a point in time
11:27AM 17 when you're there almost every day?

11:27AM 18 A. Um-hum.

11:27AM 19 Q. What year is that?

11:27AM 20 A. 2009, probably. I had a business inside, and I liked to
11:27AM 21 stop in and see what happened and operate it properly.

11:28AM 22 Q. Okay. So it's your testimony from 2009 up until -- till
11:28AM 23 when you're there every day?

11:28AM 24 A. Till 2016.

11:28AM 25 Q. And after 2016, you're no longer at Pharaoh's, correct?

11:28AM 1 A. Not at all.

11:28AM 2 Q. Okay. You left that scene, you're out of it completely,

11:28AM 3 correct?

11:28AM 4 A. Um-hum.

11:28AM 5 Q. So, now, you've told us, though, for at least part of the

11:28AM 6 time you're not there every day because you can't be in the

11:28AM 7 building, correct?

11:28AM 8 A. Yeah. In 2016. We had a hostile divorce ending.

11:28AM 9 Q. So, talking about prior to that. Is there a point with

11:28AM 10 an ownership dispute where you were not present every day?

11:28AM 11 A. Yes.

11:28AM 12 Q. Okay. When was that?

11:28AM 13 A. Let's say 2012 to 2013.

11:28AM 14 Q. Okay. And then from 2013 on to 2016, it's your testimony

11:29AM 15 you're there basically every day?

11:29AM 16 A. Yep.

11:29AM 17 Q. And it's your testimony that basically every single day,

11:29AM 18 you're paying vendors with envelopes, correct?

11:29AM 19 A. Yes.

11:29AM 20 Q. Okay. Those include dancers, correct?

11:29AM 21 A. Yes.

11:29AM 22 Q. And those include outside vendors who are coming to the

11:29AM 23 club to pick something up, correct?

11:29AM 24 A. Yes.

11:29AM 25 Q. But -- and it's your testimony that of all those days,

11:29AM 1 you remember two occasions where you gave an envelope to
11:29AM 2 Mr. Bongiovanni?

11:29AM 3 A. Yep.

11:29AM 4 Q. Okay. Are you sure you remember if it was

11:29AM 5 Mr. Bongiovanni, or are you putting that together after the
11:29AM 6 fact from what you saw in the news?

11:29AM 7 A. No, I remember him coming in.

11:29AM 8 And I hung out with them before, so it's not coming off
11:29AM 9 the news, this is coming from prior.

11:29AM 10 Q. Okay. So did this occur then after the Boss dinner?

11:29AM 11 A. One was before, and one was after.

11:29AM 12 Q. Okay.

11:29AM 13 A. 'Cuz after the Boss dinner, we went to somewhere on the
11:29AM 14 harbor.

11:29AM 15 Q. So, what I'm asking is, you remember the Boss dinner is
11:29AM 16 somewhere you were present with Mr. Bongiovanni, correct?

11:30AM 17 A. Yes.

11:30AM 18 Q. Okay. This first exchange of envelopes, when did it
11:30AM 19 occur in proximity to this meeting when you were at Boss?

11:30AM 20 How long before you went to Boss?

11:30AM 21 A. Maybe three months before.

11:30AM 22 Q. Maybe three months before? And why do you say three
11:30AM 23 months before?

11:30AM 24 A. 'Cuz that's around when I started getting my hair done at
11:30AM 25 the salon that his sister -- that Lindsay's sister worked at.

11:30AM 1 Q. Okay. Which salon is that?

11:30AM 2 A. It was Good to Glow at the time.

11:30AM 3 Q. Okay. Where is that located?

11:30AM 4 A. It was on Hertel.

11:30AM 5 Q. Okay. And who did your hair there?

11:30AM 6 A. Samantha Ferratolo, who was dating Anthony Gerace.

11:30AM 7 Q. Okay. And you're 100 percent sure it's Good to Glow,

11:30AM 8 correct?

11:30AM 9 A. What?

11:30AM 10 Q. You're 100 percent sure the salon's name is Good to Glow?

11:30AM 11 A. Yes. They switched to another one at some point, and I

11:30AM 12 followed them. But at the time, like, Ashley was doing

11:31AM 13 eyebrows upstairs, and all the rest were downstairs.

11:31AM 14 Q. Okay. So it's your testimony Good to Glow is located on

11:31AM 15 Hertel Avenue?

11:31AM 16 A. Yes.

11:31AM 17 Q. All right. So let's talk --

11:31AM 18 **MR. TRIPI:** I'm objecting to the word "is." He said

11:31AM 19 is. We're in 2024, so I'd just like the time period --

11:31AM 20 **BY MR. MacKAY:**

11:31AM 21 Q. When was the last time you were at Good to Glow?

11:31AM 22 A. 2018, when Bongiovanni got arrested.

11:31AM 23 Q. Okay.

11:31AM 24 A. I felt uncomfortable going there with the whole family

11:31AM 25 there.

11:31AM 1 Q. And it's your testimony you believe Mr. Bongiovanni was
11:31AM 2 arrested in 2018?

11:31AM 3 A. I think it was, yeah.

11:31AM 4 Q. Okay. And when you said the whole family was at Good to
11:31AM 5 Glow, what do you mean by that?

11:31AM 6 A. Well, almost all his -- his sister-in-law, his wife,
11:31AM 7 his -- their close friends, they were a tight-knit group, all
11:31AM 8 worked there.

11:31AM 9 And then my ex mother-in-law, Linda Gerace, was also
11:32AM 10 going to the same salon, and I just didn't think it was a
11:32AM 11 good idea.

11:32AM 12 Q. Okay. Did you tell the jury at one point that -- I'm
11:32AM 13 sorry, did you tell the grand jury at one point in time that
11:32AM 14 you actually got your hair done by Mr. Bongiovanni's wife,
11:32AM 15 Lindsay?

11:32AM 16 A. No.

11:32AM 17 Q. Okay. So you've never had your hair done?

11:32AM 18 A. No, she was there all the time, but she would sit and
11:32AM 19 talk, but she never did my hair. Maria or Samantha Ferratolo
11:32AM 20 did it.

11:32AM 21 Q. All right. Now let's talk about this incident where
11:32AM 22 there's an exchange of envelopes. You said a second one
11:32AM 23 occurred after the Boss dinner, correct?

11:32AM 24 A. Um-hum.

11:32AM 25 Q. Okay. How long after the Boss dinner was that?

11:32AM 1 A. Maybe three months.

11:32AM 2 Q. Okay. And why do you say three months?

11:32AM 3 A. About -- I mean, it's give and take. It wasn't like a
11:32AM 4 week after, so usually the span to meet up with someone was
11:32AM 5 about three months, to maintain and keep up a relationship.

11:33AM 6 Q. Okay. So it's your testimony that Mr. Gerace and
11:33AM 7 Mr. Bongiovanni would meet up every three months?

11:33AM 8 A. I know that that's when it occurred with meeting up with
11:33AM 9 his wife and doing something together as a couple.

11:33AM 10 Q. Okay. So I'm trying to understand what you're saying
11:33AM 11 here. You're saying you met up with Mr. Bongiovanni's wife
11:33AM 12 every three months?

11:33AM 13 A. About, yeah.

11:33AM 14 Q. Okay. About how many times over the span of, say, 2013
11:33AM 15 to 2016 did you meet up with Mr. Bongiovanni's wife?

11:33AM 16 A. Well, she'd be at the salon, so I don't want to count
11:33AM 17 that. But specifically three times.

11:33AM 18 Q. Okay.

11:33AM 19 A. I really liked her. She was nice.

11:33AM 20 Q. All right. So, but going back to these envelopes, you
11:33AM 21 have -- as you sit here today, you have no idea what the
11:33AM 22 purpose of these envelopes were, correct?

11:33AM 23 A. Yes.

11:33AM 24 Q. Okay. And you don't know whether it was, for example,
11:33AM 25 folded papers in the envelope, correct?

11:33AM 1 A. I'm sorry, what?

11:33AM 2 Q. You don't know what was in the envelope, correct?

11:33AM 3 A. I knew it was, like, money, not papers. But just from
11:34AM 4 feeling it.

11:34AM 5 Q. Okay. But you didn't look in the envelope, correct?

11:34AM 6 A. No, I didn't open the envelope.

11:34AM 7 **MR. MacKAY:** Judge, can I just have one moment,
11:34AM 8 please?

11:34AM 9 **THE COURT:** Sure.

11:34AM 10 **BY MR. MacKAY:**

11:34AM 11 Q. Tell me about these two exchanges of envelopes. What was
11:34AM 12 Mr. Bongiovanni wearing when he came into the club?

11:34AM 13 A. I'm not positive. A suit? Like, he always dressed very
11:34AM 14 nice. Anywhere we went, he dressed very nice.

11:34AM 15 Q. Okay. And you testified that he came -- which way did he
11:35AM 16 come into the club?

11:35AM 17 A. The side door.

11:35AM 18 Q. Where is the side door located?

11:35AM 19 A. Okay. If you went by and looked at Pharaoh's, it's the
11:35AM 20 first thing you see when you look in.

11:35AM 21 Q. Okay. And how does somebody come in the side door? Do
11:35AM 22 you have to let somebody in?

11:35AM 23 A. No, Peter just let him walk in the door.

11:35AM 24 Q. Okay. So it's your testimony the side door is open at
11:35AM 25 any one point in time?

11:35AM 1 A. Yes, it's always open.

11:35AM 2 Q. Okay. Let's circle back a little bit to a different
11:35AM 3 subject. You talked about some people going upstairs?

11:35AM 4 A. Um-hum.

11:35AM 5 Q. Do you recall that?

11:35AM 6 Now, as you sit here today, you don't know what happened
11:35AM 7 upstairs, correct? From what you saw with your own eyes. Do
11:35AM 8 you understand what I'm asking?

11:35AM 9 A. I know what happened to me upstairs.

11:35AM 10 Q. I'm not asking what happened to you. I'm asking when you
11:35AM 11 saw dancers, for example, go upstairs, you don't know what
11:35AM 12 happened, correct?

11:35AM 13 A. I didn't see it, but the girls told me afterwards.

11:36AM 14 Q. I'm not asking what they told you. I'm asking, you never
11:36AM 15 saw any of the activity upstairs --

11:36AM 16 A. No.

11:36AM 17 Q. -- correct? Okay.

11:36AM 18 And I think you testified on one occasion that you had to
11:36AM 19 unlock the door for John Michalski, correct?

11:36AM 20 A. Yes.

11:36AM 21 Q. Okay. And after you unlocked the door for him, you don't
11:36AM 22 know what happened up there because you didn't see it,
11:36AM 23 correct?

11:36AM 24 A. No.

11:36AM 25 Q. Okay. Now I want to talk about what you told law

11:36AM 1 enforcement over the years. The first time you brought

11:36AM 2 Mr. Bongiovanni's name up to law enforcement is

11:36AM 3 December 13th, 2019; do you remember that?

11:36AM 4 A. Yes.

11:36AM 5 Q. Okay. That's when you called the FBI National Threat

11:36AM 6 Center, correct?

11:36AM 7 A. Yes.

11:36AM 8 Q. Okay. Now, you had brought his name up before on

11:36AM 9 November 22nd when you mentioned it in a podcast, correct?

11:36AM 10 A. I honestly don't remember.

11:36AM 11 Q. Okay. But prior to November -- I'm sorry, prior to

11:37AM 12 December 13th of 2019, you never stated on any podcast or

11:37AM 13 made any report about Mr. Bongiovanni receiving any

11:37AM 14 envelopes, correct?

11:37AM 15 A. I didn't put stuff like that on my podcast at all.

11:37AM 16 Q. Okay. I'm asking you didn't make any reports to any law

11:37AM 17 enforcement prior to that date, correct, prior to

11:37AM 18 December 13th, 2019, correct?

11:37AM 19 A. When I testified, I talked to them. Yes, I did.

11:37AM 20 Q. Okay. That occurred after law enforcement got in touch

11:37AM 21 with you, correct?

11:37AM 22 A. Yes.

11:37AM 23 Q. Okay. What I'm asking for is the first time you

11:37AM 24 mentioned Mr. Bongiovanni's name is this December 13th, 2019

11:37AM 25 phone call to the FBI, yes?

11:37AM 1 A. I don't remember prioritizing, it was all about Peter
11:37AM 2 Gerace.

11:37AM 3 Q. Okay.

11:37AM 4 A. So for me, like, Bongiovanni wasn't important at the
11:37AM 5 time. I didn't know the level of involvement.

11:38AM 6 Q. Okay. But it was important enough for you to bring it up
11:38AM 7 at that point in time, correct?

11:38AM 8 A. Along an other people, yes.

11:38AM 9 Q. Along with other people. Now, in your podcast and other
11:38AM 10 capacities, you had discussed before that date other specific
11:38AM 11 names; do you recall that?

11:38AM 12 A. Yes.

11:38AM 13 Q. You mentioned names like Dan Derenda, correct?

11:38AM 14 A. Yes.

11:38AM 15 Q. You mentioned names like Greg Trotter, correct?

11:38AM 16 A. Absolutely.

11:38AM 17 Q. And by the way you're starting to answer, I'm guessing
11:38AM 18 you had a lot to say about them, correct?

11:38AM 19 A. I will.

11:38AM 20 Q. No, I'm saying --

11:38AM 21 A. Yes.

11:38AM 22 Q. -- when you talked about it before, correct?

11:38AM 23 A. Yes.

11:38AM 24 Q. You considered these individuals to be corrupt, correct?

11:38AM 25 **MR. TRIPI:** Objection, beyond the scope of direct.

11:38AM 1 **THE COURT:** Overruled. The objection is overruled.

11:38AM 2 **BY MR. MacKAY:**

11:38AM 3 Q. You considered, in your opinion, these individuals to be

11:38AM 4 corrupt, correct?

11:38AM 5 A. Yes.

11:38AM 6 Q. But when you mentioned these other individuals, you did

11:38AM 7 not mention Joseph Bongiovanni, correct?

11:38AM 8 A. No.

11:38AM 9 Q. Okay. Now, I want to go back a little bit further. I

11:38AM 10 don't want to get into the details of it, but your divorce

11:39AM 11 with Peter was quite acrimonious; is that fair to say?

11:39AM 12 A. Yes.

11:39AM 13 Q. It did not go well; fair to say?

11:39AM 14 A. Yes.

11:39AM 15 Q. There was a lot of fighting, yes?

11:39AM 16 A. Yes.

11:39AM 17 Q. Okay. And at that point in time, you had it out for

11:39AM 18 Peter; is that a fair way of saying it?

11:39AM 19 A. Yes.

11:39AM 20 Q. Okay. But you didn't mention in any of the divorce

11:39AM 21 proceedings or anything like that anything about Joseph

11:39AM 22 Bongiovanni, correct?

11:39AM 23 A. No, he wasn't really involved in it.

11:39AM 24 Q. Okay. But you did mention around the time of your -- the

11:39AM 25 time you started to separate from Peter a lot of other things

11:39AM 1 Peter had done wrong, correct?

11:39AM 2 A. Yes.

11:39AM 3 Q. Now, in August of 2016, for example, you reached out to

11:39AM 4 the State Liquor Authority; do you remember that?

11:39AM 5 A. Yes.

11:39AM 6 Q. And you tried to alert them about a lot of behavior that

11:39AM 7 you believed Mr. Gerace was involved in; do you remember

11:39AM 8 that?

11:39AM 9 A. Yes.

11:39AM 10 Q. Okay. You wrote that you were contacted by email by an

11:40AM 11 investigator; do you remember that?

11:40AM 12 A. Yes.

11:40AM 13 Q. And you wrote back a very long email listing all of the

11:40AM 14 things you thought Mr. Gerace was doing wrong; do you

11:40AM 15 remember that?

11:40AM 16 A. Yes.

11:40AM 17 Q. Okay. And in that, you didn't mention Mr. Bongiovanni,

11:40AM 18 did you?

11:40AM 19 A. No.

11:40AM 20 Q. Okay. Now, fast forward a little bit in time, you end up

11:40AM 21 working with the FBI, correct?

11:40AM 22 A. Um-hum.

11:40AM 23 Q. You -- we don't need to go into the details, but you were

11:40AM 24 doing some work about illegal activity at other strip clubs

11:40AM 25 in the area; do you remember that?

11:40AM 1 **MR. TRIPI:** Objection as to time frame, Your Honor.

11:40AM 2 **THE COURT:** Yeah, why don't you -- let's put a

11:40AM 3 time frame on it, please, Mr. MacKay.

11:40AM 4 **BY MR. MacKAY:**

11:40AM 5 Q. So after your work with the State Liquor Authority, do

11:40AM 6 you remember that's roughly summer of 2016?

11:40AM 7 A. Okay.

11:40AM 8 Q. Well I'm asking you, do you remember that's when it was?

11:40AM 9 A. Yes.

11:40AM 10 Q. Okay. Do you remember doing some work in the next nine

11:40AM 11 months or so with the FBI?

11:40AM 12 A. Yes, I've worked with them since 2008.

11:41AM 13 Q. Okay. Now, in that time frame we're talking about, 2016,

11:41AM 14 2017, you had a specific handler at the FBI, correct?

11:41AM 15 A. Yes.

11:41AM 16 Q. You had somebody who you could very directly go to,

11:41AM 17 correct?

11:41AM 18 A. Yes.

11:41AM 19 Q. Somebody could you tell everything confidentially to,

11:41AM 20 correct?

11:41AM 21 A. Yes.

11:41AM 22 Q. And you're -- the purpose of that was that so you could

11:41AM 23 provide information about illegal activities in the area,

11:41AM 24 correct?

11:41AM 25 A. Yes.

11:41AM 1 Q. Some of those illegal activities concerned other strip
11:41AM 2 clubs in the area, correct?

11:41AM 3 A. Yes.

11:41AM 4 Q. Some of those you even told the agent about activities
11:41AM 5 that were going on at Pharaoh's itself, correct?

11:41AM 6 A. Yes.

11:41AM 7 Q. Now in any of those discussions with that FBI agent, you
11:41AM 8 did not mention anything about Mr. Bongiovanni, correct?

11:41AM 9 A. Correct.

11:41AM 10 Q. Okay. And as you sit here today, is that because you
11:41AM 11 have no idea any envelopes you gave to Mr. Bongiovanni, what
11:41AM 12 their purpose was, correct?

11:41AM 13 A. No.

11:41AM 14 Q. Okay. Now you, after you contact the FBI's threat
11:42AM 15 center, you sat down with an agent at a Tim Horton's; do you
11:42AM 16 remember that?

11:42AM 17 A. Three agents.

11:42AM 18 Q. Okay. You sat down with a few agents. And you tell them
11:42AM 19 a little bit about these envelopes to Mr. Bongiovanni,
11:42AM 20 correct?

11:42AM 21 I'm asking, do you recall telling the agent about any
11:42AM 22 envelopes that went to Mr. Bongiovanni at that point in time?

11:42AM 23 **MR. TRIPI:** Objection, the witness looks like she's
11:42AM 24 thinking. If she's thinking, she can take a moment.

11:42AM 25 **THE WITNESS:** I've got to think about it, because

1 there was so many people with envelopes and so much going on.

2 I honestly don't remember.

3 **BY MR. MacKAY:**

4 Q. Okay. Now you just told us, though, there's so many
5 people with envelopes. That's in reference to all the people
6 who had to pick up money at the club, correct?

7 A. Well, and other ones that we dropped off to sheriffs and
8 troopers.

9 Q. Okay. So as you're sitting here today, you're saying
10 that there were envelopes often dropped off to sheriffs and
11 troopers?

12 A. Yes.

13 Q. Okay. Did that occur at Pharaoh's Gentlemen's Club?

14 A. Yes.

15 Q. Okay. Do you recall telling the grand jury that at one
16 point in time, you actually had to go to the Clarence trooper
17 barracks to drop off envelopes?

18 A. Yes.

19 Q. So you're telling the jury here that Mr. Gerace dropped
20 off envelopes at an actual police station?

21 A. Yes.

22 Q. Okay. And in your experience -- you would expect police
23 stations to have cameras, correct?

24 A. Yes, it is was in the parking lot though.

25 Q. So you're saying he's giving envelopes to uniform --

11:43AM 1 strike that.

11:43AM 2 The people he gives these envelopes to are in their
11:43AM 3 police uniforms?

11:43AM 4 A. He was in his uniform, and he was on the duty.

11:43AM 5 Q. Okay. Okay. Now, but other than that when you're
11:43AM 6 talking about these envelopes, it's your testimony as you sit
11:43AM 7 here today though that it's two times that it happened at
11:44AM 8 Pharaoh's Gentlemen's Club, correct?

11:44AM 9 A. Yes.

11:44AM 10 Q. Okay. And you're absolutely sure as you sit here today
11:44AM 11 that it's Mr. Bongiovanni you handed those envelopes to?

11:44AM 12 A. Yes, for the two times.

11:44AM 13 Q. For the two times. And you're absolutely certain as you
11:44AM 14 sit here today that the party you went -- that the birthday
11:44AM 15 party card was Mr. Bongiovanni's 50th birthday party,
11:44AM 16 correct?

11:44AM 17 A. Yes.

11:44AM 18 Q. And you're absolutely certain that as you sit here that
11:44AM 19 50th birthday party you did not see Mr. Bongiovanni use any
11:44AM 20 substances, correct?

11:44AM 21 A. Yes.

11:44AM 22 **MR. MacKAY:** I have no further questions, Your Honor.

11:44AM 23 **THE COURT:** Any redirect?

11:44AM 24 **MR. TRIPI:** Yes, Judge.

11:44AM 25

REDIRECT EXAMINATION BY MR. TRIPI:

Q. All right. Ms. Nigro, when counsel was asking you a moment ago about time frames where you handed Mr. Bongiovanni envelopes, were you -- were you doing your best to estimate?

A. Yeah.

Q. Okay. You didn't have a person like Ms. Sawyer typing down every word that was said and date and time, right? You didn't have a little personal assistant typing everything down, did you?

A. No.

Q. Okay. Now, you were asked about what happened in the upstairs. Do you have two eyes?

A. Yes.

Q. Do you have two ears?

A. Yes.

Q. You've worked in the strip club industry a long time?

A. Yes.

Q. When Judge Michalski -- when Mr. Gerace asked you to unlock the bottom door for Judge Michalski, was he with a dancer?

A. Yes.

Q. Did he have a particular dancer that he liked?

A. Shelby.

Q. And -- and have you also gone upstairs after dancers and friends of Peter have come downstairs?

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1 A. Yes.

2 Q. Have you observed what the upstairs looked like after

3 that activity?

4 A. Yes.

5 Q. What did it look like?

6 A. Cocaine residue. Sheets all miss messed up. Usually a

7 lot of tissue in the garbage can from blowing their nose and

8 stuff like that. Lube open.

9 Q. Did you make a -- did you -- were you able to infer and

10 deduce that sex acts had occurred upstairs?

11 A. Yes.

12 Q. Now, you were asked about reporting information at

13 various times; is that right?

14 A. Yes.

15 Q. I don't want to get into too much detail, but just to

16 follow up what Mr. MacKay said. Initially were you trying to

17 report to the FBI about situations where you believe women

18 were being trafficked?

19 A. Yes.

20 Q. And were those different FBI agents than you're dealing

21 with in this case?

22 A. Yes.

23 Q. Okay. And some of that information, after you reported

24 it, you don't know what happened; is that fair?

25 A. Yes, sir.

11:47AM 1 Q. Okay. Now, in those contexts, were you intent upon
11:47AM 2 taking on every powerful person in the City of Buffalo?

11:47AM 3 A. Absolutely not.

11:47AM 4 Q. Were you a little scared about some of the information
11:47AM 5 you knew?

11:47AM 6 A. Absolutely.

11:47AM 7 Q. As you sit there right now, are you nervous what you're
11:47AM 8 doing?

11:47AM 9 A. I am.

11:47AM 10 Q. Do you feel brave though?

11:47AM 11 A. I feel brave.

11:47AM 12 Q. Did Dan Derenda use cocaine with Peter Gerace?

11:47AM 13 A. I am not positive.

11:47AM 14 Q. Were you at Dan Derenda's house in the basement for his
11:47AM 15 daughter's birthday party?

11:47AM 16 A. Yes. And Peter's the godfather.

11:47AM 17 Q. And what's his daughter's name?

11:48AM 18 A. Mia, and she was turning eight.

11:48AM 19 Q. And you know when Peter got in trouble before in federal
11:48AM 20 court that Dan Derenda wrote him a letter to try to help get
11:48AM 21 him out of trouble?

11:48AM 22 A. Yeah, especially for domestic abuse. It's kind of gross
11:48AM 23 that he would have his daughter as --

11:48AM 24 Q. Stop there. I asked you about the letter. You're aware
11:48AM 25 of that, right?

11:48AM

1 A. Yes.

11:48AM

2 Q. Derenda wrote a letter to a federal judge to help get

11:48AM

3 Peter a lesser sentence?

11:48AM

4 A. Yes.

11:48AM

5 Q. Are you making that up?

11:48AM

6 A. Nope.

11:48AM

7 Q. The letter was publicly filed, wasn't it?

11:48AM

8 A. Yes.

11:48AM

9 Q. Okay. Now, you were asked about not mentioning

11:48AM

10 Bongiovanni's name during your divorce proceedings. You

11:48AM

11 weren't married to Bongiovanni, right?

11:48AM

12 A. No.

11:48AM

13 Q. You were married to Peter Gerace?

11:48AM

14 A. Yes.

11:48AM

15 Q. Were the divorce proceedings focused on that?

11:48AM

16 A. Yeah.

11:48AM

17 Q. Now, you were asked questions about the first time that

11:49AM

18 you were in contact with law enforcement as it relates to

11:49AM

19 this case; do you remember that?

11:49AM

20 A. Um-hum.

11:49AM

21 Q. Do you remember that on or about December 12th, 2019,

11:49AM

22 there was a very publicized search warrant at Pharaoh's?

11:49AM

23 A. Yes.

11:49AM

24 Q. Within a day of that, did Mr. Gerace call you from some

11:49AM

25 phone number that you don't know?

11:49AM 1 A. Yep.

11:49AM 2 Q. And threaten you?

11:49AM 3 A. Yes.

11:49AM 4 Q. Is that why you started talking?

11:49AM 5 A. Yes.

11:49AM 6 Q. Now, you hadn't said anything about Mr. Gerace to the FBI

11:49AM 7 Agent Burns or anyone else prior to December 12th, 2019; is

11:49AM 8 that right?

11:49AM 9 A. Not those FBI agents.

11:49AM 10 Q. Okay. Was Peter threatening you over that search warrant

11:50AM 11 something that factored into --

11:50AM 12 **MR. MacKAY:** Objection.

11:50AM 13 **MR. TRIPI:** Let me finish the question.

11:50AM 14 **BY MR. TRIPI:**

11:50AM 15 Q. -- something that factored into your decision to talk?

11:50AM 16 A. Yes.

11:50AM 17 **MR. MacKAY:** I'm going to object as beyond the scope

11:50AM 18 of recross --

11:50AM 19 **MR. TRIPI:** Oh, no it's not.

11:50AM 20 **MR. MacKAY:** -- I believe at this point.

11:50AM 21 **MR. TRIPI:** It's not beyond the scope.

11:50AM 22 **THE COURT:** Why don't you guys come up.

11:50AM 23 (Sidebar discussion held on the record.)

11:50AM 24 **THE COURT:** So what on cross gives you the ability to

11:50AM 25 get into this? And I'm not being facetious.

11:50AM 1 **MR. TRIPI:** No, no, no. On cross, Mr. MacKay asked
11:50AM 2 questions about the first time she spoke to law enforcement,
11:50AM 3 and he laid out a timeline of not talking about Defendant
11:50AM 4 Bongiovanni, and in large part Peter Gerace.

11:50AM 5 And so she's threatened, and then she starts talking.
11:50AM 6 We had -- we never spoke to her before that.

11:50AM 7 **THE COURT:** How is it beyond the scope?

11:50AM 8 **MR. MacKAY:** It's also established that she's also
11:51AM 9 talked about other folks already about that.

11:51AM 10 **MR. TRIPI:** No, not about that.

11:51AM 11 **MR. MacKAY:** About general public corruption.

11:51AM 12 **MR. TRIPI:** No, not about that.

11:51AM 13 **THE COURT:** You can get back to it on recross. I'm
11:51AM 14 going to overrule the objection.

11:51AM 15 (End of sidebar discussion.)

11:51AM 16 **THE COURT:** The objection is overruled.

11:51AM 17 **BY MR. TRIPI:**

11:51AM 18 Q. When Peter Gerace calls you and threatened you after the
11:51AM 19 search warrant at Pharaoh's, what did he say to you during
11:51AM 20 that call that made you decide to reach out to law
11:51AM 21 enforcement?

11:51AM 22 A. He said he's gonna cut all my toes and fingers off.

11:51AM 23 Q. What was his demeanor during the call?

11:51AM 24 A. Very angry.

11:51AM 25 Q. Did you feel threatened?

11:51AM 1 A. Yes, absolutely. That's why I called.

11:51AM 2 Q. But you didn't actually play any role in helping the FBI
11:51AM 3 get a search warrant, or his getting a search warrant?

11:51AM 4 A. I didn't even know it was going on.

11:51AM 5 Q. Now you were asked some questions about the first time
11:52AM 6 you brought up Mr. Bongiovanni's name, and was that in
11:52AM 7 response to questions that were asked after you reached out
11:52AM 8 to law enforcement?

11:52AM 9 A. Yes.

11:52AM 10 Q. Okay. But back in 2017, you were in jail at the Erie
11:52AM 11 County Holding Center?

11:52AM 12 A. Um-hum.

11:52AM 13 Q. Do you remember that?

11:52AM 14 A. Yes.

11:52AM 15 Q. Particularly on January 4th, 2017, you were in jail at
11:52AM 16 the holding center, and do you remember having a phone call
11:52AM 17 with your mom?

11:52AM 18 A. Yes.

11:52AM 19 Q. And during that phone call, did you say back then, prior
11:52AM 20 to any of this, years prior, about Mr. Gerace, quote, I know
11:52AM 21 he knows all these shady officers, I used to enjoy all the
11:52AM 22 benefits of knowing all these corrupt police officers.

11:52AM 23 Did you say that two years before you ever reached out to
11:53AM 24 the FBI as it relates to these events?

11:53AM 25 A. Yes.

11:53AM 1 Q. Were you lying to your mom in 2017?

11:53AM 2 A. No.

11:53AM 3 Q. In a jail call the next day speaking with your mom, did

11:53AM 4 you say he, regarding Mr. Gerace, is the actual criminal.

11:53AM 5 He's the felon. He's lying and paying police officers off,

11:53AM 6 and they took the money or whatever.

11:53AM 7 Did you say that to your mom in 2017 --

11:53AM 8 A. Yes.

11:53AM 9 Q. -- in a recorded jail call?

11:53AM 10 A. Yes.

11:53AM 11 Q. Were you lying to your mom?

11:53AM 12 A. Absolutely not.

11:53AM 13 Q. Are you lying to this jury?

11:53AM 14 A. No.

11:53AM 15 **MR. MacKAY:** Judge, I'm going to object. Can we
11:53AM 16 approach again on this?

11:53AM 17 **THE COURT:** Sure, come on up.

11:53AM 18 (Sidebar discussion held on the record.)

11:53AM 19 **MR. TRIPI:** Those are the transcripts where she said
11:53AM 20 that. I did it in a shortened version.

11:53AM 21 **THE COURT:** No, I get it. How is it not hearsay?

11:53AM 22 **MR. TRIPI:** It's a prior consistent statement after a
11:54AM 23 motive to fabricated has been alleged and established through
11:54AM 24 their cross. So those are prior consistent statements.

11:54AM 25 If the motive to fabricate --

11:54AM 1 I'm answering the judge's questions.

11:54AM 2 -- if the motive to fabricate, they've alleged, is
11:54AM 3 the first time she mentioned these events, they set it up for
11:54AM 4 a Tim Horton's, and she sits with agents, it's the first time
11:54AM 5 she's talking about corruption. Two years earlier prior to
11:54AM 6 meeting with the FBI about any of this, she's telling her
11:54AM 7 mother that Peter bribes people.

11:54AM 8 **THE COURT:** Well, there was no objection raised to it
11:54AM 9 anyways, so that's why I didn't say anything. I thought -- is
11:54AM 10 that the hearsay?

11:54AM 11 **MR. MacKAY:** We were circling around with
11:54AM 12 fabricating.

11:54AM 13 **MR. TRIPI:** We did brief this.

11:54AM 14 **MR. SINGER:** We believe that it exists in time, that
11:54AM 15 the divorce is triggering, because at that time things become
11:54AM 16 acrimonious which she testified on her cross --

11:54AM 17 **THE COURT:** Yes.

11:54AM 18 **MR. SINGER:** -- which dates back to 2016, which is
11:54AM 19 prior to those calls.

11:54AM 20 **THE COURT:** Well, there was no objection raised. So
11:54AM 21 I don't know what you want me to do about it.

11:54AM 22 I told you guys, I'm not going to raise objections
11:54AM 23 that I see unless you raise them because you may -- I can
11:55AM 24 remember cases that I tried and did administrative hearings
11:55AM 25 that I did where judges would think they were doing me a favor

1 and they were screwing up my strategy, and I won't do it.

2 **MR. TRIPI:** And, Judge --

3 **THE COURT:** We've got good lawyers here on both
4 sides, and I'm not going to raise objections for you.

5 **MR. TRIPI:** I will say we did brief this, so this was
6 flagged on the pretrial. You did a lot, I'm not saying you
7 should remember everything that we briefed, but it shouldn't
8 have been a surprise is what I'm saying, because I flagged
9 these exact jail calls for them.

10 **THE COURT:** Okay. I'm not going to strike it. I'm
11 not going to strike it if that's what you're asking because
12 there was no objection raised, so let's move on.

13 **MR. TRIPI:** Okay.

14 (End of sidebar discussion.)

15 **MR. TRIPI:** I have no further redirect, Your Honor.
16 Thank you.

17 **THE COURT:** Anything more, Mr. MacKay?

18 **MR. MacKAY:** Yes, Your Honor.

19
20 **RECROSS-EXAMINATION BY MR. MacKAY:**

21 Q. All right. Ms. Nigro, I wanted to talk a little bit about
22 this podcast and what you said to people over the years.

23 Now --

24 A. For one thing, I want to just correct it. It's not
25 podcast, it's actually a radio show.

11:56AM 1 Q. Okay. Radio show. Let's use that term.

11:56AM 2 In that capacity when you did that radio show, you did
11:56AM 3 have an interest in exposing public corruption, correct?

11:56AM 4 A. Yet.

11:56AM 5 Q. Because you did name very specific people, correct?

11:56AM 6 A. Yes.

11:56AM 7 Q. You named Greg Trotter, correct?

11:56AM 8 A. Yes.

11:56AM 9 Q. You named Dan Derenda, correct?

11:56AM 10 A. Yes.

11:56AM 11 Q. You named John Michalski, correct?

11:56AM 12 A. Correct.

11:56AM 13 Q. But at no point in time did you name Joe Bongiovanni,
11:56AM 14 correct?

11:56AM 15 A. Correct.

11:56AM 16 Q. The first time Joe Bongiovanni's name comes up is on
11:56AM 17 December 13th, 2019, correct?

11:56AM 18 A. Um-hum.

11:56AM 19 Q. And that's after he's already been arrested in the news,
11:56AM 20 correct?

11:56AM 21 A. Correct.

11:56AM 22 **MR. MacKAY:** Okay. No further questions, Your Honor.

11:57AM 23 **MR. TRIPI:** Just one, Judge.

11:57AM 24

25

RE-REDIRECT EXAMINATION BY MR. TRIPI:

Q. Did you get your hair done at the family-owned salon that Mr. Michalski and his family worked at, or Mr. Derenda? Or did you go to the hair salon where Mr. Bongiovanni's wife and sister worked?

A. Mr. Bongiovanni.

MR. MacKAY: Objection. Outside the scope.

THE COURT: No. That's overruled. Okay.

MR. TRIPI: That's it.

THE COURT: Anything more?

MR. TRIPI: No.

THE COURT: Anything more, Mr. MacKay?

MR. MacKAY: No.

THE COURT: Thank you. You may step down.

(Witness excused at 11:57 a.m.)

(Excerpt concluded at 11:57 a.m.)

* * * * *

CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I certify that these original notes are a true and correct record of proceedings in the United States District Court for the Western District of New York on March 19, 2024.

s/ Ann M. Sawyer

Ann M. Sawyer, FCRR, RPR, CRR

Official Court Reporter

U.S.D.C., W.D.N.Y.

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